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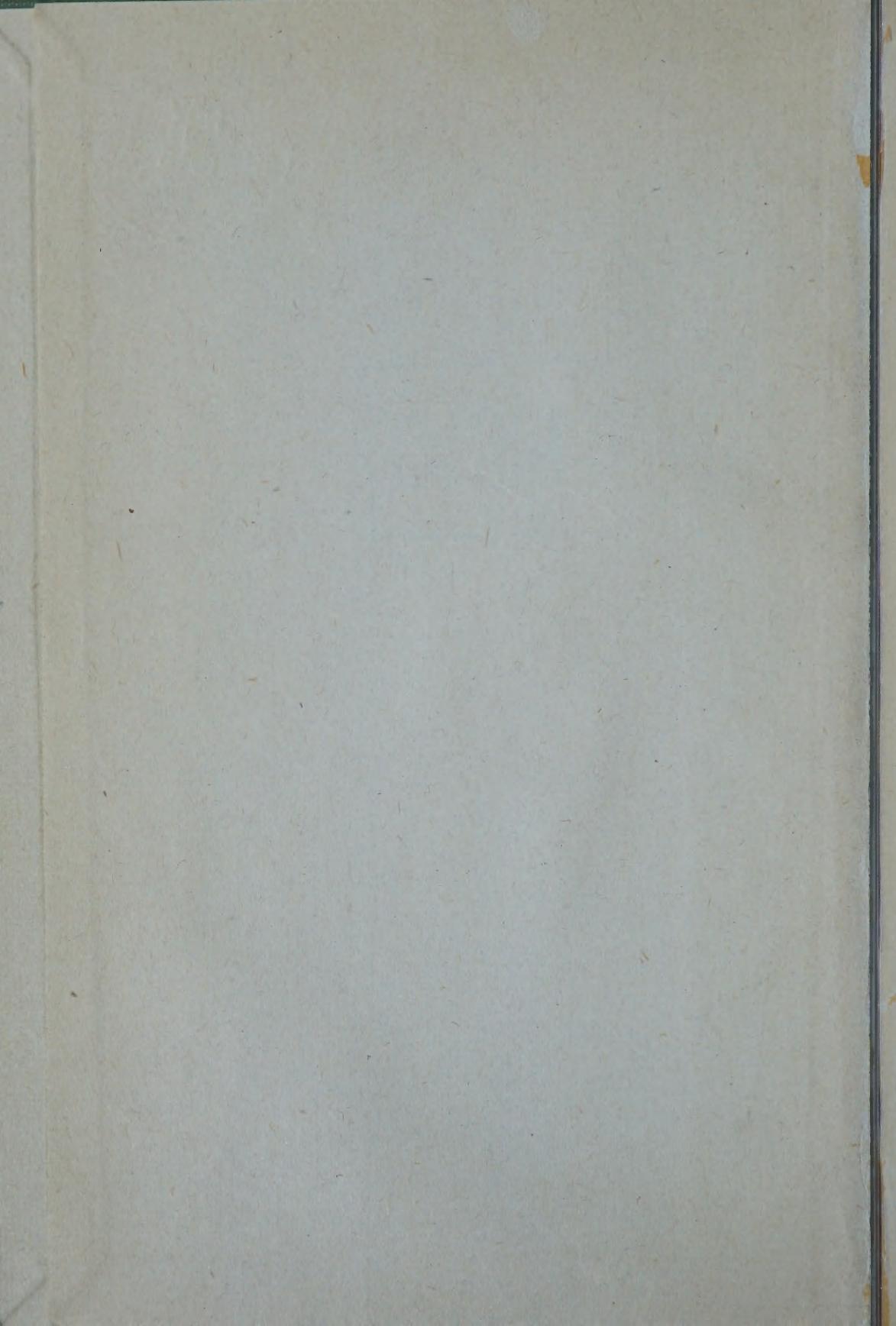
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**STORAGE**



# ORDINANCES

OF THE  
North-West Territories

PASSED IN THE FIRST SESSION

OF THE

SECOND LEGISLATIVE ASSEMBLY.

*Begun and holden at Regina on the Tenth day of December, 1891, and closed on the Twenty-fifth day of January, 1892.*



HIS HONOUR

THE HONOURABLE JOSEPH ROYAL,  
LIEUTENANT-GOVERNOR.

---

REGINA:

PRINTED BY R. B. GORDON, PRINTER TO THE GOVERNMENT  
OF THE NORTH-WEST TERRITORIES.

1892.



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Hon Alex. Liptin

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NO. 4 OF 1891-92.

AN ORDINANCE TO AMEND ORDINANCE NO. 27  
OF 1889, INTITULÉ "AN ORDINANCE TO  
INCORPORATE THE MEDICINE HAT GENERAL  
HOSPITAL."

[Assented to 24th December, 1891.]

The Lieutenant-Governor, by and with the advice and consent of the Legislative Assembly of the Territories, enacts as follows:—

1. Section 4 of the said Ordinance is hereby amended by striking out the word "Secretary" and substituting therefor the words "Vice Chairman," and adding, "and shall elect or appoint a Secretary" who shall not necessarily be a director and shall be responsible to the Board of Directors for the correctness of all accounts, safe keeping of all documents and who shall have access at all times to all books connected with the institution at a remuneration to be agreed upon between the Board and Secretary elect.

2. Section 5 of the said Ordinance is hereby amended by striking out the word "five" and substituting therefor the word "four," and by striking out the word "Secretary" where it occurs and substituting therefor the words "Vice Chairman."

3. Section 7 is hereby amended by adding after the word "purpose" "and all holders of Annual Tickets for the year immediately preceding the annual meeting."

4. Section 10 is hereby amended by striking out the word "December" and substituting therefor the word "January."

5. Section 11 is hereby amended by striking out the word "December" and substituting therefor the word "January."

6. Section 14 is hereby amended by striking out the

word "twenty" and substituting therefor the word "sixteen."

7. Section 16 is hereby amended by striking out the word "January" and substituting therefor the word "February."

8. This Ordinance shall be retroactive in its operation and shall be held to have had effect from the 1st day of January, 1891.

## NO. 5 OF 1891-92.

AN ORDINANCE TO REPEAL ORDINANCE NO.  
2 OF 1889.

[Assented to 31st December, 1891.]

The Lieutenant-Governor, by and with the advice and consent of the Legislative Assembly of the Territories, enacts as follows:—

1. Ordinance No. 2 of 1889, entitled "An Ordinance to Amend Chapter 27 of the Revised Ordinances of the North-West Territories, intituled 'The Poisons Ordinance,'" is hereby repealed.

NO. 6 OF 1891-92.

**AN ORDINANCE PRESCRIBING THE OATH OF  
MEMBERS OF THE EXECUTIVE COMMITTEE.**

[*Assented to 31st December, 1891.]*

The Lieutenant-Governor, by and with the advice and consent of the Legislative Assembly of the Territories, enacts as follows:—

**1. Every member of the Executive Committee of the Territories shall, before he assumes any of the duties of his office, take the following oath, to be administered by the Lieutenant-Governor:—**

I (name in full) do swear that I will, according to the best of my power and ability, faithfully perform such services as may be required of me as a Member of the Executive Committee of the Territories; and I do further swear that the secrets of the Lieutenant-Governor-in-Council I will in no way reveal. So help me God.

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## NO. 7 OF 1891-92.

## AN ORDINANCE TO INCORPORATE THE TOWN OF EDMONTON.

[Assented to 9th January, 1892.]

Whereas, application has been duly made for an Ordinance to erect the Municipality of the Town of Edmonton, and it appearing expedient so to do.

Therefore the Lieutenant-Governor, by and with the advice and consent of the Legislative Assembly of the Territories, enacts as follows:—

1. The several portions of land hereinafter particularly described are hereby erected and incorporated into a Town Municipality under the name of the Municipality of the Town of Edmonton, that is to say:

Parts of the Hudson's Bay Company's Reserve and River Lots 4, 6, 8, 10, 12, 14, 16, 18 and 20 in the Edmonton settlement in the District of Alberta, more particularly described as follows:—

Commencing at a point on the north bank of the North Saskatchewan River where the western boundary of the Hudson's Bay Company's Reserve aforesaid, intersects the said river; thence northerly along the western boundary of the said reserve, 104 chains and 65 links more or less to a point thereon due east from the north-east angle of River Lot 2 in the said Edmonton settlement; thence due east to a point distant westerly 33 feet from the Eastern boundary of the said reserve; thence northerly parallel with the said eastern boundary of the said reserve to the Rat Creek; thence following the said Creek easterly to a point thereon on the said River Lot 16, distant 33 feet from the western boundary thereof, on a course north 69 degrees 10 minutes east; thence south easterly parallel with the said western boundary of said River Lot 16 to a point distant 33 feet north-westerly from the north-western boundary of the registered town plot survey of part of said River Lot 16; thence easterly parallel with the said northern boundary of the said town plot survey to the eastern boundary of

said River Lot 16; thence in a line due east to the north bank of the said North Saskatchewan River; thence south-easterly and westerly along the said north bank of the said North Saskatchewan River to the place of beginning.

**2.** The provisions of the Municipal Ordinance are hereby incorporated with and declared to form part of this Ordinance substituting for the words "after issue of the proclamation" in the 13th Section of the said Ordinance the words "after the coming into force of this Ordinance."

**3.** All the expenses of and incidental to the passing of this Ordinance and the holding of the first elections of the officers of the Municipality hereby erected shall be paid by the said Municipality.

**4.** Immediately upon the coming into force of this Ordinance all the rights, powers, authority, duties and privileges of the Lieutenant-Governor-in-Council, or of the Lieutenant-Governor, or of the Clerk of the Legislative Assembly under and by virtue of the Ferries Ordinance and any Ordinance now or hereafter to be made in relation thereto shall become and be vested in the Municipality hereby erected in so far only however as regards any ferry or ferries now or at any time hereafter operated to or from any place or places on the north or north-westerly edge of the North Saskatchewan River where it forms one of the boundaries of the Municipality hereby erected.

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## NO. 8 OF 1891-92.

**AN ORDINANCE TO LEGALIZE BY-LAW NO. 144  
OF THE CORPORATION OF THE TOWN OF  
PRINCE ALBERT.**

[Assented to 9th January, 1892.]

Whereas the Mayor and Council of the Corporation of the Town of Prince Albert have by their petition represented that a By-law to raise by way of loan the sum of \$10,000.00 for the purpose of erecting a town hall for the said Corporation of the Town of Prince Albert was on the tenth day of August, A.D. 1891, passed by the Municipal Council of said Town of Prince Albert and that said By-law, previous to its being so passed, was carried by a two-thirds majority of the ratepayers of said town, entitled by law to vote thereon and voting thereon, said By-law is entitled "By-law No. 144, a by-law to raise the sum of ten thousand dollars for permanent improvements in the Town of Prince Albert and to authorize the issue of debentures therefor";

That in said By-law the said sum of \$10,000.00 is made payable in 20 years from the date on which said By-law took effect and said By-law only provides for raising annually during said period the sum of \$300.00 for paying the said debt and such sum of \$300.00 per annum will not be sufficient at the end of 20 years to pay said debt, unless the same is invested at the rate of five per cent. interest compounded yearly, and a doubt exists as to the power of Municipal Corporations in the North-West Territories to invest their sinking funds;

That the Council of the said Corporation of the Town of Prince Albert have issued the debentures authorized to be issued under said By-law and have incurred liabilities in respect thereof;

That doubts have arisen as to the validity of said By-law and owing to the existence of such doubts the purchasers, The Imperial Trusts Company of Canada, refuse to complete their contract for the purchase of said debentures;

Wherefore, the Mayor and Council of said Corporation of the Town of Prince Albert pray that an Ordinance may be passed legalizing said By-law and the debentures issued thereunder;

And Whereas it is expedient to grant the prayer of said petition;

Therefore, the Lieutenant-Governor, by and with the advice and consent of the Legislative Assembly of the Territories, enacts as follows:—

1. The said By-law of the Corporation of the Town of Prince Albert, numbered 144 and entitled "A By-law to raise the sum of ten thousand dollars for permanent improvements in the Town of Prince Albert and to authorize the issue of debentures therefor," and all the debentures now issued or that may hereafter be issued under and in pursuance of said By-Law are, and the same are hereby declared to be legal, valid and binding upon the said Corporation of the Town of Prince Albert, any law, statute or ordinance to the contrary notwithstanding, and notwithstanding any omission or defect in substance, point of form or otherwise in the said By-Law or in the passing thereof, or in the said debentures or any of them.

2. Notwithstanding anything in said By-law contained the Council of said Corporation of the Town of Prince Albert shall raise, levy and collect in each year hereafter during the continuance of said By-law upon the rateable property in the said Corporation of the Town of Prince Albert a sum sufficient to pay the interest upon said loan and the sinking fund provided by said By-law.

3. It shall be lawful for the Mayor and Council of said Corporation of the Town of Prince Albert to enter into any agreement with the said, "The Imperial Trusts Company of Canada," or with any other corporation, firm, person or persons, for the investment of the said yearly sum of \$300.00 at a rate of interest which shall be sufficient, compounded yearly, to raise the said sinking fund up to the sum of \$10,000.00 required for the redemption of said debentures at the end of 20 years.

## NO. 9 OF 1891-92.

AN ORDINANCE TO AMEND ORDINANCE NO. 5  
OF 1888 AND ORDINANCE NO. 14 OF 1890  
RESPECTING THE PROFESSION OF MEDICINE AND SURGERY.

[Assented to January 25th, 1892.]

The Lieutenant-Governor, by and with the advice and consent of the Legislative Assembly of the Territories, enacts as follows :—

1. Section 3 of said Ordinance No. 5 of 1888 is hereby amended by adding thereto, "And shall be held to be registered under the provisions of this Ordinance, and such registration shall date from the passing of this Ordinance, and shall take effect in every respect as if passed on such date." Sec. 2

2. Section 1 of said Ordinance No. 14 of 1890 is hereby amended by adding thereto the following subsection :—

(c) The Council shall admit upon the Register any person who shall produce from any College or School of Medicine and Surgery in the Dominion of Canada requiring a four years' course of study and a diploma of qualification: Provided also that the applicant shall furnish to the Council satisfactory evidence of identification, and pass, if deemed necessary, before the members thereof, or such examiners as may be appointed for the purpose, a satisfactory examination touching his fitness and capacity to practise as a physician and surgeon, and provided that every applicant for such examination shall pay to the Registrar of the College of Physicians and Surgeons of the North-West Territories the sum of fifty dollars towards defraying the expenses of the examining board.

(1) Provided however, that any such person actually resident within the Territories (at the time of passing this Ordinance), who applies for registration under this subsection within two months from the passing of this Ordinance, shall not be required to pass any examination.

NO. 10 OF 1891-92.

AN ORDINANCE RESPECTING DEPUTY CLERKS  
AND DEPUTY SHERIFFS.

[*Assented to January 25th, 1892.*]

The Lieutenant-Governor, by and with the advice and consent of the Legislative Assembly of the Territories, enacts as follows :—

**1.** The Clerks of the Supreme Court of the North-West Territories for the Judicial Districts of Northern Alberta, Southern Alberta and Saskatchewan, shall respectively appoint a Deputy at Edmonton, Medicine Hat and Battleford ; and such Deputy Clerk shall have and perform the powers, duties and obligations hereinafter mentioned.

**2.** For the purposes hereinafter mentioned the respective Districts of the said Deputy Clerks shall be as follows :—

The District of the Deputy Clerk at Edmonton shall consist of all the District of Alberta lying north of Township 42 ; the District of the Deputy Clerk at Medicine Hat shall consist of all that portion of the Provisional District of Assiniboia lying west of the 4th Initial Meridian ; the District of the Deputy Clerk at Battleford shall consist of all that portion of the Provisional District of Saskatchewan lying west of the line between Ranges 11 and 12 west of the 3rd Initial Meridian.

**3.** All actions, suits or other proceedings commenced in the office of any one of the said Deputy Clerks shall be carried on in the same office, and in respect thereof such Deputy Clerk shall in all respects have and perform all the powers, duties and obligations of the Clerk of the Court for his Judicial District ; and such Deputy Clerks respectively shall have and use a duplicate of the seal of the Court used by the Clerks of their respective Judicial Districts, and keep such books as are kept by the Clerks.

**4.** In respect of the following matters :—

(a) Applications for letters probate or letters of administration, where the deceased died within a Deputy Clerk's

District, or where the whole of the estate in respect whereof letters probate or letters of administration are applied for, lie within a Deputy Clerk's District ;

(b) Application for the appointment of a guardian of the person of an infant or a lunatic, where the infant or the lunatic resides within the Deputy Clerk's District ;

(c) Application for the appointment of a guardian of the estate of an infant or a lunatic, where the infant or the lunatic resides within the Deputy Clerk's District ; or where the whole of the estate to be affected lies within a Deputy Clerk's District ;

(d) Proceedings commenced by originating summons and proceedings originating by petition, notice of motion or Judge's summons, where the Advocate for the applicant resides in a Deputy Clerk's District ;

Such Deputy Clerk shall, and in applications of the character of those marked (a) and (c), where a part only of the property to be affected lies within a Deputy Clerk's District, such Deputy Clerk may, have and perform all the powers, duties and obligations of the Clerk of his Judicial District.

**5.** In any action, suit or other proceeding, wherever commenced, in case it is desired to examine a person pursuant to Section 32 of Ordinance No. 21 of 1890, and such person resides within the District of one of the said Deputy Clerks, such Deputy Clerk shall, for the purposes of such examination, have and perform all the powers, duties and obligations of the Clerk of his Judicial District.

**6.** In respect of appeals from convictions or orders made by a Justice of the Peace, under the authority of any Ordinance relating to matters within the legislative authority of the Legislative Assembly of the Territories, or under the authority of a Municipal By-law, where the conviction or order is made within the District of any one of the said Deputy Clerks, the office of such Deputy Clerk shall be the office of the Court in which all proceedings relating to such appeal shall be carried on ; and in respect thereof such

Deputy Clerk shall have and perform all the powers, duties and obligations of the Clerk of his Judicial District.

**7.** The Clerks of the Judicial Districts above mentioned may require their respective Deputies, appointed as aforesaid, before entering on the duties of their respective offices, to give security by Bond, or by Guarantee of some Guarantee Company to be approved by said Clerks, in the sum of one thousand dollars.

**8.** The Sheriffs of the Supreme Court of the North-West Territories for the Judicial Districts of Northern Alberta, Southern Alberta and Saskatchewan, shall respectively appoint a Deputy at Edmonton, Medicine Hat and Battleford; and such Deputy Sheriffs shall have and perform the powers, duties and obligations hereinafter mentioned.

**9.** For the purposes hereinafter mentioned the respective Districts of the Deputy Sheriffs at Edmonton, Medicine Hat and Battleford shall be the same respectively as the Districts of the Deputy Clerks at the said places respectively.

**10.** All the powers, duties and obligations which may now be exercised or performed by the Sheriff of any one of the said Judicial Districts may hereafter, so far as they are to be exercised or performed within the Districts of any one of the said Deputy Sheriffs, or as they affect property and person in the Districts of any one of such Deputy Sheriffs, be exercised and performed by such Deputy Sheriffs respectively; and in respect of mesne and final process intended to affect real or personal property situate within the Districts of any one of the said Deputy Sheriffs, such Deputy Sheriff shall have and perform all the powers, duties and obligations of the Sheriff of his Judicial District; and such process shall, for the purpose of binding such property, be placed in the hands of such Deputy Sheriff and need not be placed in the hands of the Sheriff of his Judicial District; and such Deputy Sheriffs shall have and use a duplicate of the seal of the Sheriffs of their respective Judicial Districts, and keep such books as are kept by Sheriffs.

**11.** The Sheriffs of the Judicial Districts above named may require their respective Deputies, appointed as aforesaid, before entering upon the duties of their respective offices, to give security by Bond, or Guarantee of some Guarantee Company, to be approved by the said Sheriffs respectively, in the sum of two thousand dollars.

**12.** Provided always, that such Deputy Clerks and Deputy Sheriffs, while holding office, shall not be permitted to practice, directly or indirectly, as Advocates for the North-West Territories.

## NO. 11 OF 1891-92.

AN ORDINANCE TO AMEND ORDINANCE NO. 11  
OF 1890, BEING AN ORDINANCE TO AMEND  
“THE GAME ORDINANCE.”

[*Assented to January 25th, 1892.*]

The Lieutenant-Governor, by and with the advice and consent of the Legislative Assembly of the Territories, enacts as follows:—

**1.** Sub-section 2 of Section 2 of Ordinance No. 11 of 1890 is hereby amended by striking out the word “February” where it there occurs and substituting therefor the word “January.”

**2.** Sub-sections 3 and 4 of Section 2 of the said Ordinance are hereby repealed and the following is substituted therefor:—

(3) Any kind of wild duck, goose, snipe or plover, between the 15th day of May and the 15th day of August.

**3.** No person shall at any time offer for sale, barter or exchange, any prairie chicken that has been caught or killed by any person other than himself, and any person so doing shall be subject to the penalties provided for in Section 9 of Ordinance No. 11 of 1890.

## NO. 12 OF 1891-92.

**AN ORDINANCE TO AMEND ORDINANCE NO. 19 OF 1890, ENTITLED "AN ORDINANCE TO AMEND THE REVISED ORDINANCE RESPECTING THE LEGAL PROFESSION."**

[*Assented to January 25th, 1892.*]

The Lieutenant-Governor, by and with the advice and consent of the Legislative Assembly of the Territories, enacts as follows :—

**1.** Subsection (b) of Section 2 of Ordinance No. 19 of 1890, entitled "An Ordinance to amend the Revised Ordinance respecting the Legal Profession," is hereby repealed, and the following substituted therefor :—

(b) Any person articled after the 1st January, 1892, in addition to the foregoing, shall, prior to the commencement of the term of his articles, be required to produce to the Judge satisfactory evidence of his having matriculated in Arts in some University in the United Kingdom or a British Colony, or of having obtained either a Second Class Non-professional Certificate as a teacher from the Board of Education for the Territories or a certificate equivalent thereto, though not necessarily a teacher's certificate, from some other recognized examining body in the United Kingdom or a British Colony.

**2.** Section 3 of the said Ordinance is amended by striking out the words, "In which the same privilege would be extended to Advocates from the North-West Territories," where they occur in the subsection added to Section 2 of Chapter 41 of The Revised Ordinances, 1888, by said Section 3.

## NO. 13 OF 1891-92.

AN ORDINANCE TO AMEND CHAPTER 20 OF  
THE REVISED ORDINANCES, 1888, INTITULLED  
"AN ORDINANCE RESPECTING PRAIRIE AND  
FOREST FIRES."

[*Assented to January 25th, 1892.*]

The Lieutenant-Governor, by and with the advice and consent of the Legislative Assembly of the Territories, enacts as follows:—

1. Section 1 of the said Ordinance is amended by striking out the word, "except," where it occurs the second time in said Section, and by inserting the word "or" instead.

2. Section 2 of the said Ordinance is hereby repealed and the following Section substituted:—

2. Any person who kindles, or is a party to kindling, a fire in the open air, as allowed in the next preceding clause, and allows such fire to escape, and any person travelling by land or water, who shall light a fire on the prairie or elsewhere, and does not put it out before starting, shall be liable to a fine not exceeding one hundred dollars, with costs of prosecution; and in default of payment be imprisoned for a term not exceeding three months; and in case of several offenders such costs and fines shall be recoverable from each of them separately.

3. Clause 4 of the said Ordinance is amended by striking out the word, "ten," where it occurs and inserting in lieu thereof the word, "five."

4. Clause 4 is further amended by striking out the words, "refusing to do so," where they occur in the sixth line, and by inserting the words, "who does not proceed at once," in lieu thereof.

## NO. 14 OF 1891-92.

AN ORDINANCE TO REPEAL CHAPTER 42 OF  
THE REVISED ORDINANCES, 1888, INTI-  
TLED "AN ORDINANCE RESPECTING FEES  
IN SUMMARY TRIALS."

[Assented to January 25th, 1892.]

The Lieutenant-Governor, by and with the advice and consent of the Legislative Assembly of the Territories, enacts as follows :—

1. Chapter 42 of The Revised Ordinances, 1888, is hereby repealed.

NO. 15 OF 1891-92.

AN ORDINANCE TO AUTHORIZE THE FORMATION  
OF AN ASSOCIATION UNDER THE NAME OF  
THE "DAIRYMEN'S ASSOCIATION OF THE  
NORTH-WEST TERRITORIES."

[Assented to January 25th, 1892.]

The Lieutenant-Governor, by and with the advice and consent of the Legislative Assembly of the Territories, enacts as follows:—

1. The Lieutenant-Governor-in-Council may authorize the formation for the Territories of an Association having for its object to encourage the improvement in the manufacture of butter and cheese and all things connected therewith under the name of the "Dairymen's Association of the North-West Territories."
2. The Association shall be composed of at least twenty-five persons who shall sign a declaration in the form of the schedule annexed to this Ordinance, and every member of the Association shall subscribe to pay annually a sum of at least one dollar to the funds of the Association.
3. Such declaration shall be made in duplicate, one to be written and signed on the first page or pages of a book to be kept by the Association for the purpose of entering therein the minutes of their proceedings during the first year of the establishment of such Association, and the other shall be immediately transmitted to the Lieutenant-Governor, who shall as soon as possible after its reception cause to be published a notice of the formation of such Association in the official Gazette of the North-West Territories.
4. From and after the publication in the official Gazette of the North-West Territories of the notice of the formation of the Association, it will become and shall be a body politic and corporate for the purposes of this Ordinance, and may possess real estate to the value of ten thousand dollars.

*22* 5. The Association shall have power and authority to make by-laws, to prescribe the mode or manner of admission of new members, to regulate the election of its officers, and generally the administration of its affairs and property.

The members of the North-West Assembly shall be members *ex-officio* of the Association.

*23* 6. The first meeting of the Association shall be held in Regina on such date as the Lieutenant-Governor-in-Council shall decide and shall proceed to its organization, and shall elect a president, two vice-presidents, a secretary-treasurer and one director from each of the Dominion electoral districts.

It shall also decide the time and place for next annual meeting, and discuss all matters connected with the objects of the Association.

*23* 7. The officers and directors of the Association shall prepare and present at the annual meeting of the Association a detailed report of their operations during the past year, indicating the names of all the members of the Association, the amount subscribed and paid by each, the names of the factories, creameries, inventions, improvements and products, which deserve public notice, and giving all the information which they deem useful to the interests of the dairy industry and a copy of the said report shall be sent to the Lieutenant-Governor.

#### SCHEDULE

We, the undersigned, agree to form ourselves into an Association under the provisions of Ordinance No. 15 of 1891-92 under the name of the "Dairymen's Association of the North-West Territories," and we hereby severally agree to pay to the Treasurer, yearly, while we continue members of the Association, the sums opposite to our respective names. We further agree to conform to the rules and by-laws of the said Association.

Name.	Sec., Tp., Rg.	P.O. Address.	Am't Subscribed.

## NO. 16 OF 1891-92.

AN ORDINANCE TO AMEND AND CONSOLIDATE  
AS AMENDED THE ORDINANCES RESPECTING  
FIRE DISTRICTS.

[Assented to January 25th, 1892.]

The Lieutenant-Governor, by and with the advice and consent of the Legislative Assembly of the Territories, enacts as follows :—

**1.** In this Ordinance the word "Resident" shall mean any owner or occupant of lands in the area established or proposed to be established as a Fire District.

**2.** Upon application, as in Form A in the Appendix to this Ordinance, signed by a majority of the residents residing in any district, not less than thirty-six and not more than one hundred and forty-four square miles, the said application being verified on oath before a Justice of the Peace, or a Notary Public, as in Form B in the Appendix to this Ordinance, the Lieutenant-Governor may, by Order, erect such area into a Fire District, to be under the operation of the following Sections of this Ordinance, (no reasonable objection being raised thereto,) and shall also appoint an Overseer for the district. Provided that a notice in the Form C in the Appendix to this Ordinance (or to the like effect) of the intention to make such application has been posted in five conspicuous places in the described area. The sum of six dollars to cover costs of advertizing shall accompany such application.

**3.** Such Order shall fix a date (such date not being later than fourteen days from the date of the Order,) from and after which the provisions of this Ordinance shall apply to the district so erected, and such Order shall be published in the Official Gazette of the Territories.

**4.** Every male inhabitant over eighteen years and under sixty, not otherwise assessed, having resided for the three months preceding assessment in the district, shall be assessed one day;

And the owner or occupant of land in the said district, to the extent of not more than 160 acres, shall be assessed for two days; over 160 and not more than 320 acres, three days; over 320 and not more than 640 acres, five days; over 640 and not more than 960 acres, six days; and in proportion for every additional 640 acres, two days's work.

But if the amount of labour provided by the above assessment be in excess of that required to efficiently protect the district, the Overseer may so reduce the above graduated scale as to provide the requisite amount.

**5.** Any resident may commute his rate by contributing for the benefit of the district at the rate of \$1.50 per day.

**6.** Persons assessed as non-resident shall be deemed to have commuted the labor for which they are liable at the rate of \$1.50 per day, and the amount of the commutation shall be a debt recoverable as such at the suit of the Overseer in any Court of competent jurisdiction.

**7.** The Overseer is empowered to require cart or wagon, or plough, or scraper, with a pair of horses or oxen, and a man, from any person having the same within his district, who has been assessed two days or more, and who has not commuted his assessment; and any person so furnishing the same shall be credited two days for each day's service therewith.

**8.** The Overseer shall have full direction and control of the district for fire protection, and shall apply the rate or labor, as may seem best to him for the purposes of this Ordinance, and shall be remunerated at the rate of \$2.00 per day for every day he is necessarily employed in the execution of his duties as Overseer to be paid out of the commutation money.

**9.** Every resident performing labor under this Ordinance shall receive at least eight days notice from the Overseer, which shall be not later than the fifteenth day of July, such notice stating the time and place where the labor is to be performed.

**10.** Every resident refusing to perform his labor, or to commute the same before the first day of August in each year, or refusing to obey the directions of the Overseer, shall, upon conviction before a Justice of the Peace, be liable to a fine not exceeding twenty-five dollars, with costs of prosecution, and, in default of payment, to be imprisoned for a term not exceeding one month; and such fine, when recovered, shall accrue to the Fire District and be paid to the Overseer by the convicting Justice.

**11.** Each Overseer shall, on or before the first day of September in each year, forward to the Lieutenant-Governor a return, showing the amount of money received by him, and from whom, the amount expended, number of days' work performed, and by whom, length and width of fire breaks, and cash in hand.

**12.** This Ordinance shall not apply within Municipalities.

**13.** Chapter 10 of The Revised Ordinances, 1888, and Ordinance No. 9 of 1890 are hereby repealed.

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## APPENDIX.

### FORM A.

(*Vide Section 2.*)

To His Honour the Lieutenant-Governor of the North-West Territories.

The application of the undersigned sheweth:

That it is desirable to put in force within (here describe the area), the provisions of the Ordinance respecting Fire Districts and that (state names and addresses) has or have consented to act as Overseer or Overseers (as the case may be). That your applicants compose a majority of those qualified to present this application under the provisions of said Ordinance.

Your applicants therefore pray that Your Honour may be pleased to cause the proper order to be issued, constituting the above described area into a Fire District, as provided by the said Ordinance.

A. B., C. D., etc., etc.

**FORM B.**

(*Vide* Section 2.

**North-West Territories** } I, A. B., of do make oath and  
Canada. } say:

That the total number of persons in the area described in the annexed application, qualified to present this application under the Ordinance respecting Fire Districts, is \_\_\_\_\_ persons, and of the above number \_\_\_\_\_ persons have signed the same;

That I was personally present and did see the parties, whose names are annexed thereto, sign the same and each of them before signing the same was cognizant of the contents thereof.

*N.B.—If no one person can verify all the signatures attached to the application, the above form may be altered to meet the circumstances.*

**FORM C.**

(*Vide* Section 2.)

Notice is hereby given that after the expiration of four weeks from the date of the first publication of this notice, application will be made to the Lieutenant-Governor for the erection of the following area of lands, to wit (describe the boundaries of the proposed district) into a Fire District, under the provisions of the Ordinance respecting Fire Districts.

## No. 17 OF 1891-92.

AN ORDINANCE TO FURTHER AMEND CHAPTER 30  
OF THE REVISED ORDINANCES, 1888, INTITUL-  
ED "THE COMPANIES ORDINANCE."

[Assented to January 25th, 1892]

The Lieutenant-Governor, by and with the advice and consent of the Legislative Assembly of the Territories, enacts as follows:—

90. 1. Section 90 of "The Companies Ordinance" is hereby amended by inserting after the words "Gas and Water Companies," the words "and Companies for supplying electricity for purposes of light, heat or power, or of operating a system of telephones" and by adding to the said Section the words "and such Companies are hereinafter referred to respectively as Gas, Water, Electric and Telephone Companies."

91. 2. Section 91 of the said Ordinance is hereby repealed and the following is substituted there or:—

91. Gas, Water, Electric or Telephone Companies incorporated under this Ordinance shall respectively have full power to construct, maintain, complete and operate works and apparatus for the production, sale and distribution of gas, water or electricity for the purpose of light, heat or power or of operating a system of telephones, as the case may be, and may construct and operate the same by any means through, under, along or over streets, highways, and public places; but subject always to such agreement in respect thereof as shall be made between the Company and the Municipal Corporation within whose jurisdiction the same are situate, and be ratified by a by-law of the Council of such Municipality; and such Municipality may by agreement, ratified as aforesaid, contract with any such Company for the purchase of water, gas or electricity, and for the purchase or renting of any apparatus connected with the production, sale or distribution thereof for any number of years not in the first instance exceeding ten years, and renew any such contract from time to time for

such period not exceeding ten years, as such Council may desire ; and any such Municipality may by by-law, if it shall see fit so to do, grant to any such Company, but only within the limits of time above mentioned, exemption from taxation and the exclusive privilege of supplying water, gas or electricity for any of the purposes aforesaid within the limits of the Municipal Corporation.

**3.** Section 92 of the said Ordinance is hereby repealed. —

**4.** Sections 93 to 111 of the said Ordinance both inclusive shall be read as providing for the sale, disposal and hiring of apparatus pertaining to Electric and Telephone Companies and the supplying of electricity for purposes of light, heat or power or of operating a telephonic system ; the word "electricity" being for the purpose aforesaid inserted along with the words "gas or water" or "gas and water" or "gas," and the words "wires or conductors" being read after the words "mains and pipes" or "mains or pipes" wherever the said words occur in the said Sections.

**5.** Every person claiming compensation from any such Company, under the authority of Section 98 of "The Companies Ordinance," shall proceed by originating summons in the Judicial District in which the damages are alleged to have been committed.

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NO. 18 OF 1891-92.

AN ORDINANCE RESPECTING THE SALE OF INTOXICATING LIQUORS AND THE ISSUE OF LICENSES THEREFOR.

[Assented to January 25th, 1892.]

The Lieutenant-Governor, by and with the advice and consent of the Legislative Assembly of the Territories, enacts as follows:—

1. This Ordinance may be cited as "The Liquor License Ordinance, 1891-92."

2. In this Ordinance and in the schedules thereto the words and expressions following shall, unless such interpretation be repugnant to the subject or inconsistent with the context, be construed as follows:—

(1) "Board" and "Commissioners" shall mean the Board of License Commissioners.

(2) "District" means a License District.

(3) "Householder" means the owner or occupant in his or her own right of a dwelling house, who has been actually resident on such premises for three months immediately prior to time of his or her exercising any rights under this Ordinance, but shall not include boarders or lodgers merely. In case more than one family is resident in any particular dwelling house, the head of each such family shall be considered a householder. Husband and wife living together shall not be considered as separate householders, and the husband shall have the right to act in this respect.

(4) "Dwelling house" shall mean an actual separate dwelling with a separate door for ingress and egress.

(5) "Justice" or "Justices" shall mean Justice of the Peace, or Justices of the Peace, as the case may be.

(6) "Hotel License" shall mean a license for selling,

by retail fermented, spirituous or other liquors, which may be drank in the hotel in which the same liquor is sold.

(7) "Licensee" shall mean a person holding a license under this Ordinance.

(8) "Person" shall include every member of a firm, or the agent of a company or corporation acting for such company or corporation.

(9) "Licensed Premises" shall mean the premises in respect of which a license under this Ordinance has been granted and is in force and shall extend to every room, closet, cellar, yard, stable, outhouse, shed or any other place whatsoever of, belonging, or in any manner appertaining to such house or place.

(10) "Liquor" or "Liquors" shall mean and comprehend all spirituous and malt liquors and all combinations of liquors and drinkable liquors which are intoxicating.

(11) "Public Bar" or "Bar" shall mean and include any room, passage or lobby in any licensed premises into which the public may enter and purchase liquors.

(12) "Inspector" shall mean an inspector of licenses appointed under this Ordinance and shall include the Chief Inspector.

(13) "Sale by retail" shall mean the sale of a quantity not to exceed half a gallon at any one time, of ale, beer or porter or one quart of wine or spirits.

(14) "Electors" shall mean those who are entitled to vote at an election for a Member of the Legislative Assembly for the Territories.

(15) "Unincorporated town" shall mean any portion of land not exceeding one square mile in area having a population of at least one hundred and fifty persons."

(16) "Judge" shall mean the Judge of the Supreme Court usually exercising jurisdiction in the judicial district in which the license district (or the greater portion thereof) is situate.

(17) Liquor shall be deemed to be "adulterated" within the meaning of this Ordinance:

(a) If it contains any added poisonous ingredient, or any ingredient which may render such liquor injurious to the health of a person consuming it;

(b) If its strength or purity falls below the professed standard under which it is sold or offered or exposed for sale;

(c) If it is an imitation of, or is sold under the name of another article.

**3.** Nothing in this Ordinance shall apply:

(1) To manufacturers of native wine from fruits, grown and produced in Canada, and who sell such wines in quantities of not less than one gallon, or not less than two bottles of three half pints each, at one time, at the place of manufacture;

(2) To any person who holds a licence as auctioneer, selling liquor at public auction: Provided that the liquor being sold forms part of an insolvent debtor's estate and is named in the inventory thereof and offered for sale under instructions from the creditor or creditors of such estate or his or their assignee, agent or trustee, and that the stock of such liquors is not broken for the purpose of such sale and is not removed from the place in which such liquors were originally exposed under license.

## LICENSE DISTRICTS.

**4.** The Lieutenant-Governor-in-Council shall, as soon as conveniently may be after the commencement of this Ordinance, establish districts for the purposes of this Ordinance, to be called License Districts, and may, from time to time, alter and re-define the same; and the License Districts, when so established and when altered, shall be announced by proclamation in the North-West Territories Gazette.

**5.** There shall be a Board of License Commissioners, to be composed of three persons to be appointed from time to time, by the Lieutenant-Governor-in-Council, for each License District, and any two of the said Commissioners shall be a quorum, and each of them shall cease to hold office on the thirty-first day of December in each year, subject however to removal at any time before that date at the pleasure of the Lieutenant-Governor-in-Council, but he may be re-appointed, and the said office shall be honorary and without any remuneration except that such Commissioners may be allowed for their travelling and other expenses where they have to leave their homes to attend meetings of the Board, the sum of five dollars per day and their actual

railway fare or expenses for horse hire. Each of such Boards may elect one of their number to act as chairman, and one to act as secretary.

## LICENSE INSPECTORS.

**6.** A Chief Inspector of Licenses for the Territories shall be appointed by the Lieutenant-Governor-in-Council from time to time, who shall hold office during pleasure, and shall give such security as the Lieutenant-Governor-in-Council may require for the due performance of his duties; and the salary of the Chief Inspector shall be fixed by the Lieutenant-Governor-in-Council.

**7.** One or more Inspectors shall be appointed by the Board of License Commissioners, from time to time, for each district, as the Board may see fit, and each License Inspector shall, before entering upon his duties, give such security for the due performance of his duties and for the payment over of all sums of money received by him under the provisions of this Ordinance as the Board of License Commissioners may require; and the salary of the Inspector shall be fixed by the Board, subject to the approval of the Lieutenant-Governor-in-Council.

**8.** All sums of money, payable as license money or fees under this Ordinance to the General Revenue Fund of the Territories, shall be paid to such officer as the Lieutenant-Governor-in-Council shall appoint.

## KINDS OF LICENSES.

**9.** The Lieutenant-Governor-in-Council may direct the issue of licenses, written or printed, or partly written and partly printed, of the several kinds or description following, that is to say :

- (1) Hotel licenses;
- (2) Wholesale licenses;

The said licenses shall be signed by the Chief Inspector

and shall be in the form set forth in Schedule G of this Ordinance, and shall be in force to the thirtieth day of June inclusive, following the date thereof;

(a) A "wholesale license" shall authorize the licensee to sell and dispose of liquors in the warehouse, store, shop or place defined in the license in quantities of not less than one half gallon in each cask or vessel, and in case of such selling by wholesale is in respect of bottled ale, beer, porter, wine, or other fermented or spirituous liquors, each such sale shall be in quantities not less than one reputed quart bottle or two reputed pint bottles. Liquors sold under a wholesale license shall not be consumed in or upon the house and premises in respect of which the license is granted: Provided that in case of any conviction against a holder of a wholesale license for such offence of allowing liquors to be consumed in or upon such house or premises such licensee shall absolutely forfeit his license or licenses, and no new license shall thereafter be granted to such licensee in the license district in which such licensed premises are situate.

Provided further that in incorporated towns no business other than a liquor business, with the exception of the sale of cigars and tobacco, shall be carried on upon the premises covered by such license.

Provided further that it shall be lawful to have communication between the premises used for a wholesale warehouse and the shop or office of the parties owning the same, by means of electric telegraph or telephone, and orders may be taken in said shop or office and communicated to such wholesale warehouse by means of such telegraph or telephone.

Provided that a wholesale druggist may sell alcohol not exceeding in quantity ten gallons at one time to any person, and all other liquors not exceeding in quantity five gallons at one time to any properly qualified retail druggist or physician.

#### APPLICATIONS FOR LICENSE.

**10.** Every license shall be issued by the authority and under the direction of the Board of License Commissioners for

the district in which the premises to which the license is to apply are situate.

**11.** The Board of Commissioners shall sit during the month of May in each year, at such place and at such date as may be arranged and notified to them by the Chief Inspector, and may thereat pass a resolution or resolutions for regulating the matters following:—

(a) For defining the conditions and qualifications requisite to obtain hotel and wholesale licenses within the district or any part thereof, not contrary to, or inconsistent with the provisions of this Ordinance;

(b) For regulating the hotels and wholesale premises to be licensed;

(c) For fixing and defining the duties, powers, and privileges of the Inspectors of Licenses of their district.

**12.** At such meeting the Board may adjourn the hearing of any application or any protest to any other place and time, if they see fit, and as far as possible protests shall be tried in the locality as to which application for license is made. The Board of Commissioners may be called together at any time by the Chief Inspector, and the Board may meet at any time of their own motion. The Chief Inspector, in calling together the Board of Commissioners, shall be considered to be the officer of the Board, and shall arrange the dates of meetings to suit the respective Boards.

(2) If any cause shall prevent a quorum of the Board being present on the day fixed for the meeting, or at any adjournment of a meeting, on the appointed day, the said meeting or adjourned meeting shall stand adjourned from day to day until a quorum shall be present to hold such meeting.

**13.** Every application for a license under this Ordinance shall be in the form of Schedule A hereto, and such application and also recommendation (Schedule C) where required, shall be sent to such officer as the Lieutenant-Governor-in-Council may appoint, along with the sum of ten dollars, so that it may reach him on or before the first day of April. On receipt of the same it shall be the duty of such officer to make a receipt in duplicate for such sum of ten dollars, and to send one copy thereof to the applicant, and the other copy, along with such application and recommendation, to the Chief Inspector.

**14.** As soon as possible after the first day of April, the Chief Inspector shall advertise, by one insertion in a newspaper in each locality for which applications (accompanied by said receipt and recommendation [Schedule C] where required) have been received by him, or as near such locality as possible, a list of all such applications received for such locality, showing the name of each applicant, description of license applied for, and the place described with sufficient certainty, together with a notice of the time and place of the meeting of the Board of License Commissioners to be held to consider such applications; at least fourteen days shall intervene between the publication of the advertisement and the date of such meeting. A notice containing similar information shall be fixed to the outer door of the building where the Board is to sit, and be sent to the post-master nearest to the proposed licensed premises to be posted up in the post-office. The Chief Inspector shall also send to the Inspector for each district a list of all applications made in his district; upon receiving such list, the Inspector shall proceed to inspect the premises of each applicant, and to make the report provided for in this Ordinance. Each Inspector shall produce such reports made by him at the meeting of the respective Boards.

**15.** Each applicant shall send to the officer referred to as appointed by the Lieutenant-Governor-in-Council, on or before the fifteenth day of April:

(1) A petition for a license, setting forth that the petitioner is an applicant and for what premises, and that he has paid the application fee required; if the premises for which a license is sought are outside of town municipalities, the petitioner shall further set forth that the petitioner

produces a recommendation (Schedule C) of ten out of the twenty householders nearest to such premises as well as the affidavits (Schedules D and E) hereinafter required; such petition may be in the form of Schedule B hereto;

(2) An affidavit by the applicant, stating that he is of the full age of twenty-one years and has never been convicted of felony; such affidavit shall only be required from applicants for premises outside of town municipalities and may be in the form of Schedule D hereto.

(3) An affidavit from two respectable neighbours, stating that the applicant is personally known to them, is of the full age of twenty-one years, has never been convicted of felony to their knowledge, and is a man of good moral character and temperate habits; such application shall only be required where the application is for premises outside of town municipalities and may be in the form of Schedule E hereto.

(4) A bond as hereinafter provided, which may be in the form of Schedule F hereto.

(5) A certificate from the Municipal Clerk or Treasurer, (where the licensed premises are situate in a municipality) stating the amount of license provided by by-law and that the same has been paid. Municipal Clerks or Treasurers shall be bound to furnish such certificates without fee.

(6) The amount of the Territorial license fee together with five per cent. thereof in addition as a prosecution fund.

**16.** On receipt of said moneys the officer referred to appointed by the Lieutenant-Governor-in-Council shall make a receipt in duplicate for the same, and send one copy thereof to the applicant and the other, along with the aforesaid papers, to the Chief License Inspector.

**17.** The Chief License Inspector shall attach all the papers relating to each application together and transmit them to the Inspector of the district, who shall produce them at the meeting of the Board.

(a) All papers connected with applications or protests, while in the hands either of the Chief or Local Inspector, shall be open to the inspection of the public.

**18.** After the meeting of the Board, the Inspectors shall return the said papers to the Chief Inspector, along with a certificate signed by the Commissioners present at the meeting, showing whether the license has been granted or refused, and if refused, showing the reasons.

**19.** Upon receipt of the papers and certificate, the Chief Inspector shall make out and send to each successful applicant a license as herein provided. (Schedule G.)

**20.** In case any person wishes to apply for a license at any other time than as above provided, he may send to the officer referred to as appointed by the Lieutenant-Governor-in-Council his application and ten dollars as above provided. Upon receipt of the application and the said officer's receipt by the Chief Inspector, he shall calculate the expense of calling the Board together, of advertising, and of inspection, and he shall notify the applicant that his application will not be considered until the amount so estimated has been sent to the said officer. On this being done, the Chief Inspector shall arrange for the advertisement of the application, the inspection of the premises, and the calling together of the Board at as early a day as possible, to consider the application—provided that in case more than one application is made at the same time to the same Board, the expense shall be divided *pro rata* among the applicants.

(a) Nothing in this section shall authorize any person to apply for a license at such other time whose application made under Section thirteen has been refused.

**21.** All application fees, and extra fees as provided in the next preceding section, shall on receipt be paid into the General Revenue Fund. In the case of license fees and prosecution fund, the officer referred to as appointed by the Lieutenant-Governor-in-Council shall retain the same in a trust fund until the question of granting the license has been decided by the Board. In case the license is refused, the license fee and prosecution fund shall be refunded to the applicant. In case the license is granted, the license

fee and prosecution fund shall be paid into the General Revenue Fund. The Chief Inspector shall furnish the officer referred to as appointed by the Lieutenant-Governor-in-Council with early information as to the granting or refusal of licenses.

22. The Chief Inspector shall notify the municipality interested in case a license is refused, and it shall be the duty of such municipality to refund to the applicant the whole of the moneys paid by such applicant to such municipality.

23. It shall be the right and privilege of any seven or more out of the twenty householders residing nearest to the premises for which a license is required to object by petition Schedule (H) against the granting of such license, and the objections which may be taken to the granting of a license may be one or more of the following :

(a) That the applicant is of bad fame and character, or of drunken habits, or has previously forfeited license ; or

(b) That the premises in question are out of repair, or have not the accommodation required by law, or reasonable accommodation if the premises be not subject to the said requirements ; or

(c) That the licensing thereof is not required in the neighborhood, or that the premises are in the immediate vicinity of a place of public worship, hospital or school, or that the quiet of the place in which such premises are situate will be disturbed if a license be granted ; for other valid reasons which may be shown ; or

(1) The petitioner or petitioners, shall send in such petition by way of protest to the officer referred to as appointed by the Lieutenant-Governor-in-Council, along with the sum of ten dollars, so as to reach him at least sixteen days before the sitting of the Board. On receipt of which the said officer shall make out a receipt in duplicate for the ten dollars, send one copy thereof to the person whose name appears first on the petition, and forward the other along with the said petition to the Chief Inspector, who shall send a copy of the same to the applicant protested against, and forward the original to the Inspector, who shall produce it at the sitting of the Board.

(2) The said sum of ten dollars shall be placed in a Trust Fund, and in case the protest is successful shall be returned

to the person whose name is first upon the petition. In case the protest is not successful, the said sum of ten dollars shall be paid into the General Revenue Fund.

(3) Protests shall not be tried on the day advertised for the sitting of the Board except with the consent of the applicant and petitioners. The Board shall fix a day and place for such trial, so as to give each party full time and opportunity to prepare.

(4) Such petition must be signed within the period of sixty days immediately prior to the day it is so received by the officer appointed as above to secure it, and the Justice or Commissioner shall certify the date upon which each person signs such petition.

**24.** No person outside of town municipalities shall be granted a license to sell intoxicating liquors who has not first obtained the recommendation in writing (Schedule C) duly attested before a justice of the peace, a Commissioner for taking affidavits or a Notary Public of at least ten out of the twenty householders nearest in a direct line to the premises wherein the applicant intends to sell intoxicating liquors; and such premises shall be specified in the application.

(a) Such recommendation must be signed within the period of sixty days immediately prior to the day it is so received by the officer referred to as appointed by the Lieut.-Governor-in-Council, and the Justice, Commissioner or Notary Public shall certify the date upon which each person signs such recommendation.

(b) In town Municipalities when the population does not exceed five hundred (500), not more than two (2) hotel licenses may be granted, and not more than one (1) additional license shall be granted for each additional five hundred (500) of population.

**25.** Every recommendation and protest (Schedule C and H) having reference to the granting of a license shall have, in addition to each signature thereon, a statement of the approximate distance from the premises to which such petition refers, of the residence of each person signing the same.

**26.** Every application for a license and all protests, if any, against every such application, shall be heard and determined by the Board in a summary manner.

(1) Every such hearing of a protested application shall be open to the public, and every applicant for a license shall attend personally at such hearing, unless hindered by sickness or infirmity, and the Board may summon and examine on oath such witnesses as they may think necessary, and as nearly as may be in the manner directed by any Act now or hereafter to be in force relating to the duties of Justices in relation to summary convictions and orders, and any one of the License Commissioners may administer such oath.

(2) Any hearing may, at the discretion of the Board, be adjourned from time to time to the same or any other building.

(3) At all hearings under this Ordinance, the Commissioners shall have the same powers as Justices of the Peace.

**27.** On every application for a license, except for a wholesale license, the Inspector for the district shall report in writing to the Board, and such report shall contain :

(1) A description of the house, premises and furniture ;

(2) And if the application be by a person who held a license for the same premises during the preceding year, a statement as to the manner in which the house has been conducted during the existence of the previous license, and the number of convictions against said person, if any ;

(3) A statement of the number, position, and distance from the house in respect of which a license is applied for, of the licensed houses in the neighbourhood ;

(4) A statement whether the applicant is a fit and proper person to have a license, and is known to be of good character and repute ;

(5) A statement whether the premises sought to be licensed are or are not, in his opinion, required for public convenience ;

(6) A statement whether the applicant is or is not the true owner of the business of the hotel proposed to be licensed.

**28.** In every application for a wholesale license, the said Inspector shall report to the Commissioners in writing, and

**such report shall contain the information required by subsections 2, 4 and 6 of section number 27 hereof.**

**29.** Any incorporated company may become a licensee or licensees in any district under the provisions of this Ordinance, and in such cases all acts required under the provisions of this Ordinance to be done by any person as licensee, whether prior to or after the granting of a license, may be done in the name of the company by the officer or agent of the said company in charge of the particular premises for which the license is to be or shall have been granted.

**30.** The report of the Inspector shall be for the information of the Board, who shall, nevertheless, exercise their own discretion on each application.

**31.** Every hotel authorized to be licensed under the provisions of this Ordinance shall contain, in addition to what may be needed for the use of the family of the hotel-keeper, in town municipalities not less than ten bed-rooms, in unincorporated towns not less than seven bed-rooms, and in other places not less than our bed-rooms, together with, in every case, a suitable complement of bedding and furniture ; and (except in town municipalities and unincorporated towns) there shall also be attached to the said hotel, proper stabling for at least six horses besides the hotel-keeper's own.

#### LICENSE FEES.

**32.** Every person to whom a license to sell intoxicating liquor shall hereafter be granted shall, before receiving such license, be required to pay as a fee for such license, in addition to any fee required to be paid to the municipality in which such license has been or is required to be granted, the following duties, that is to say :

For each Hotel License the sum of two hundred dollars ;

For each Wholesale License the sum of two hundred dollars ;

Provided in the case of bottling works where ale or lager beer only is bottled the fee shall be one-half of the fees payable for the Wholesale License.

(1) Town municipalities may, by by-law, require each licensee to pay towards their municipal revenue such sums as they may determine, not exceeding the amount of Territorial duty payable on such license, and the Board shall in no case issue a license until they receive a certificate from the Treasurer or Clerk of said municipality showing the amount of such fees and that such sum has been paid; and all fines levied under this Ordinance shall go to the General Revenue Fund of the Territories, except as herein-after provided.

(a) Such by-law, and every substituted and amended by-law, shall be promptly certified and forwarded to the Chief Inspector.

(b) Such by-law shall continue in force until amended, altered or repealed, without being re-enacted each year.

(2) No license shall be granted to any married woman unless she be the owner or tenant in her own right of the premises for which the license is sought, and she shall satisfy the Commissioners that the business to be carried on is for her own use and benefit irrespective of her husband.

(3) In all cases where licenses are taken out for a portion only of the year, the amount payable to the Officer referred to as appointed by the Lieutenant-Governor-in-Council and to the Municipality for license fees under this section shall be a proportionate part only of the amount required for one year.

#### PROTESTS.

**33.** The Commissioners, before entertaining any applications for a license, shall ascertain that the requirements of this Ordinance as to the application and the report of the Inspector have been complied with.

(1) If the said pre-requisites have been complied with (but not otherwise) the Commissioners shall entertain the application.

(2) The Commissioners shall hear and determine all applications, and also all protests and objections which may

be made against such applications, on such evidence as shall seem to them sufficient.

(3) Any person who is qualified to protest, and has signed a formal protest (Schedule H) against the granting of a license may be heard in relation thereto in person or by attorney or agent.

(4) The council of any municipality may authorize any person to appear in a similar manner on behalf of the ratepayers of such municipality as to the granting of a license, and such person so authorized shall have a right to be heard before the Commissioners against the granting of such license.

(5) No objection in respect of the character of any applicant shall be entertained unless three days' written notice has been given to the applicant, and no protest need be noticed if not made in accordance with this Ordinance.

(6) No objection from an Inspector shall be entertained unless the nature of the objection shall have been stated in the report furnished to the Commissioners.

(7) Notwithstanding anything in this Ordinance contained, the Commissioners may of their own motion, whether a protest has been filed or not, take notice of any matter or thing which in their opinion would be an objection to the granting of a license. In any such case the Commissioners shall notify the applicant and shall adjourn the hearing of the application, if requested by him, for any period not exceeding fourteen days and not less than seven days, or any time fixed with the consent of the applicant; in order that any person affected by the objection may have an opportunity of answering the same.

(8) Where the applicant for an hotel license resides in a remote part of the district, or when for any other reason the Board sees fit, they may dispense with the report of the Inspector and act upon such information as may satisfy them in the premises.

**34.** The decision of the Commissioners, when once announced by the Chairman, shall not be questioned or recon-

sidered, provided, nevertheless, that in cases where the person or persons affected by such decision petition the Board, and allege facts and grounds for their consideration not formerly before them—or in cases in which the Board have not been unanimous, the Board may, by resolution in which all the Commissioners concur, decide to rehear the case. When a rehearing is allowed, notice thereof shall be given by the Inspector to the applicant and to at least one of the petitioners or his agent.

**35.** If an applicant for a license has at any time or in any place been refused on the ground that he is not a fit person to hold a license, no application by such applicant, if opposed, shall be entertained by the Commissioners within a period of two years of the last of such refusals.

**36.** No license shall be granted to any person declared, in pursuance of this Ordinance, to be a disqualified person, during the continuance of such disqualification; any license issued to a person so disqualified shall be void.

**37.** No license shall be granted under the provisions of this Ordinance to or for the benefit of any person who is a License Commissioner or License Inspector, and any license so issued shall be void.

**38.** No license shall be issued under the provisions of this Ordinance for premises within any district of which a License Commissioner, or the Inspector, of such district is the owner; and the License Commissioner who knowingly issues, and every License Inspector who knowingly recommends the issue of a license for any such premises, contrary to the provisions of this section, shall be guilty of an offense punishable under the provisions of this Ordinance.

**39.** Licenses may be issued in the name of a co-partnership, when two or more persons are carrying on business in the same name, but a separate license shall be required in every separate place of business of such firm.

**40.** Any town municipality may appoint an Inspector or Inspectors of Licenses within the limits of such municipality, who shall have all the powers conferred by this Ordinance upon Inspectors for the purpose of prosecution, and in case

any person is convicted of an offence against the provisions of this Ordinance through the action of such Inspector, or otherwise through the action of the municipality, then the officer, referred to as appointed by the Lieutenant-Governor-in-Council, shall pay to such municipality one-half of the fines recovered through such conviction.

**41.** In case any person gives to the Inspector information justifying the prosecution of any person for offences against this Ordinance, it shall be the duty of the Inspector to lay the information in his own name and prosecute.

**42.** The Commissioners shall at any time cancel any license upon proof that the conditions necessary to the granting of such license do not exist, and also in case it is shown that the licensee is not keeping his premises in accordance with the provisions of this Ordinance and any rules and regulations made thereunder.

**43.** The Commissioners may, subject to the approval of the Lieutenant-Governor-in-Council, at any time, upon application by a licensee, cancel a license and allow a rebate to such licensee of a portion of the moneys paid for license, both to the municipality and to the officer referred to as appointed by the Lieutenant-Governor-in-Council. A license may be cancelled under this section on account of the destruction of the premises, or for any reason satisfactory to the Commissioners. In case such rebate is allowed, it shall be the duty of the municipality and the said officer to refund to such licensee such amounts so allowed. The said officer shall retain the expense of the meeting of the Board out of the said moneys.

**44.** The Lieutenant-Governor-in-Council may by Order-in-Council, define the duties of the Chief Inspector.

**45.** In case of a prosecution by an Inspector appointed under this Ordinance, or by a municipality under this Ordinance, there shall be included, in case of a conviction, in the costs payable by the party convicted, the sum of five dollars and the actual moving expenses of the Inspector incurred in connection with such prosecution, and such part of the costs shall be paid by the

convicting magistrate to such Inspector, upon receiving payment from the person convicted ; and in case the person convicted does not pay said costs, but is committed to gaol in default of payment, the officer referred to as appointed by the Lieutenant-Governor-in-Council shall pay the amount of such part of such costs to such Inspector.

(a) This Section shall not apply to any Inspector who receives salary.

**46.** Whenever any municipality is temporarily disorganized on account of the resignation of the Council the amount provided as a license fee by by-law of such Council shall be paid to the officer referred to as appointed by the Lieutenant-Governor-in-Council by applicants for licenses, and such sums shall be handed over to such municipalities when they become again organized.

(a) Provided that any such sums may be expended by the Lieutenant-Governor-in-Council in support of schools in the municipality interested instead of being held for such municipality ; this proviso shall apply to any sums already in the hands of the officer referred to as appointed by the Lieutenant-Governor-in-Council received from said sources.

**47.** Before any license is issued, the person applying for the same shall enter into a bond to Her Majesty in the sum of five hundred dollars, with two good and sufficient sureties (to be approved of by the Commissioners) justifying by affidavit, in the sum of two hundred and fifty dollars each, conditioned for the payment of all fines and penalties which such person may be condemned to pay in respect of any offence against this Ordinance ; and such bond shall be in the words or to the effect of Schedule F to this Ordinance.

#### OPTION CLAUSES.

**48.** No license shall be granted by the Board, for the sale of liquors within the limits of a license district, when it shall have been made to appear to the Board in manner hereinafter provided, that a majority of three-fifths of the duly qualified electors therein, who have voted at a poll taken as hereinafter specified, have declared themselves to

be in favour of a prohibition of the sale of intoxicating liquors in their district, and against the issue of licenses therefor.

(2) When a requisition is presented, accompanied by the sum of two hundred dollars to defray the expenses of the poll hereinafter specified, to any Commissioner from a number of the electors of any district (estimated as near as may be at at least one fifth of the total number of electors of the district, the basis of such estimate being the number of electors who voted at the last election of a Member of the Legislative Assembly) requiring a vote to be taken as to whether or not such license shall issue or be granted therein, it shall be the duty of such Commissioner, upon the receipt of such requisition and the said sum of two hundred dollars to scrutinize the names of the electors attached to such requisition, and being satisfied that the names so attached are those of duly qualified electors within the district, and after the person or persons who have witnessed the signatures to the said requisition shall have sworn before a Justice or a notary public, that he, the said witness, or they, the said witnesses, were present and saw the said electors sign the said requisition ; that the said electors signed the said requisition within thirty days of the date of such affidavit ; and that the signers constitute one-fifth of the electors of such district (estimated as above), to command the taking of a poll of the said electors, to ascertain whether or not such licenses shall be granted. The Commissioner to whom the requisition has been presented shall, by an order inserted in any newspaper published in the district, or if there be no newspaper published in such district, in the newspaper whose place of publication is nearest to the said district : Firstly, appoint one of the Inspectors for the district or other person to act as Returning Officer; and secondly, fix the places and day at and in which the poll shall be taken. The places so fixed for the taking of the poll shall be as many in number and in such parts of the district as shall be sufficient in the opinion of the Returning Officer to record a full vote of the electors of the district. The Returning Officer shall thereupon give public notice of the taking of such poll in all the newspapers, if any, published within the district, the publication to be continued in at least one number of each of such papers each week for

three successive weeks, and also by posting up such notices or copies of the same, at the post offices within such district. Such poll shall be held in the month of October or November next ensuing, except for the year 1892 when the poll shall be held in the month of March, on such day as shall be most convenient, and not less than four weeks and not more than seven weeks, from the date of the first publication of such notice,—the said poll to be taken between the hours of 9 a.m. and 5 p.m. of the day so appointed.

(3) For the purpose of taking the poll, the Returning Officer shall have all the powers for the preservation of the peace which are, by law, vested in the returning officer at any election of a member of the House of Commons of Canada, and shall have the powers of appointing and swearing constables.

(4) The Returning Officer shall appoint a Deputy Returning Officer for each polling division comprised in the License District, and shall furnish each Deputy Returning Officer with all the necessary apparatus for taking such poll. The Returning Officer, the Deputy Returning Officers and the clerks whom he shall employ, shall subscribe and take the oath for the due and proper performance of the duties of their respective offices according to the forms (*mutatis mutandis*) prescribed in Schedule Q of the Act of the Parliament of Canada which may be cited as "The Dominion Elections Act," before the nearest resident Justice or Notary Public, and shall be subject to the same penalties for the neglect or the improper discharge of their respective duties as are imposed on similar officers in case of an election of a Member for the House of Commons of Canada.

(5) Every Deputy Returning Officer shall administer to any elector, if required, either one or both of the following oaths :

No. 1.

You do swear that you are a male British subject; that you have attained the full age of twenty-one years; that you are not an unenfranchised Indian; and that you have resided in the North-West Territories for at least the twelve months, and in this License District for at least the three months, respectively, immediately preceding this date.

## No. 2.

You do swear that you have not received any money or other reward, nor have you accepted any promise made to you, directly or indirectly, to induce you to vote at this election, and that you have not before voted at this election, either at this or any other polling station. So help you God.

When any person presents himself for the purpose of voting, the Deputy Returning Officer shall cause the full name, occupation and place of residence of such person to be forthwith entered on the voters' list, and before the vote of such person is polled, shall, if so requested by any qualified voter, administer to him either or both of the above mentioned oaths, and the words, "He has taken oath No. 1" and "oath No. 2" as the case may be, shall be written opposite the name of any person so sworn; and in case any person refuses to take such oath or oaths, at such request, he shall not be permitted to vote, and the words, "Refused to take oath No. 1" and "oath No. 2," as the case may be, shall be written opposite the name of any person so refusing.

(6) The vote of the electors shall be taken by ballot in the manner provided by "The Canada Temperance Act," and the several clauses thereof under the headings, "The Poll," "Secretary," "Penalties," "Preservation of Peace," "General Provisions," "Prevention of Corrupt Practices," and "Penalties and Punishments Generally," shall be read and construed as part of this Ordinance, except where the same may be inconsistent with any of the provisions herein contained.

(7) Immediately after the close of the poll the Deputy Returning Officer shall, in the presence of the Poll Clerk, if there be one, and such of the electors (of whom there shall not be more than two) as may be present, open the ballot box and proceed as follows:

(a) He shall examine the ballot papers and reject all those on the back of which his initials are not found or on which anything appears by which the voter can be identified;

(b) Take a note of any objection made by any elector present to any ballot paper found in the ballot box and decide on any question arising out of the objection;

(c) Number such objection and place a corresponding number on the back of the ballot paper with the word "allowed" or "disallowed," as the case may be, with his initials;

(d) Count the "Ayes" and "Noes" from the ballot papers not rejected and make a written statement of the number of votes given for or against the granting of licenses respectively, and of the number of ballot papers rejected and not counted by him, which statement shall be then signed by him, and such other persons authorized to be present as may desire to sign the same;

(e) The Deputy Returning Officer shall then certify under his own hand in full words on the voters' list the total number of persons, who have voted at the polling place at which he is appointed, and make up into separate packets:

The statement of votes given for or against the granting of licenses, respectively, and of the rejected ballot papers;

The used ballot papers, which have not been objected to and which have been counted;

The ballot papers, which have been objected to but which have been counted;

The rejected ballot papers;

The declined and cancelled ballot papers;

The voters' list;

Which packets, closed up and sealed with his own seal and with the seal of any persons present desiring to affix their seals thereto, and marked on the outside with a memorandum designating their respective contents, shall by the Deputy Returning Officer be transmitted forthwith to the Returning Officer;

(8) At the time and place fixed for declaring the result of the poll, the Returning Officer shall open the packets containing the statement of votes given for or against the the granting of licenses, respectively, and there publicly declare the result.

(9) As soon as possible after the result has been announced, the ballot boxes, packets and returns shall be deposited in the office of the Board.

(10) Objections to any act or proceeding under this section must be made in writing and filed in the office of the Board

of License Commissioners, within eight days after the ballot boxes, packets and returns are deposited in the said office ; such objections shall be considered and adjudicated upon by the Board at their next regular meeting ; the decision of the Board shall be final ; and in the event of the objections being maintained and upon the payment of the sum of two hundred dollars by the objector or objectors, they shall have the power to call another poll to be taken on the question whether or not licenses shall be granted. In the event however of the said sum of two hundred dollars not being paid, the poll objected to, even if the objections are sustained, shall remain valid to all intents and purposes and have full force and effect as if no objections had been found.

(11) Nothing in this section shall be construed as permitting any of the proceedings had, or papers filed, or notices required therein, to be vitiated or set aside by reason of any mere want or defect of form, or any irregularity in the drawing up or execution of the same.

(12) The decision of the three-fifths of the electors against the granting of licenses as declared at the poll, shall come into force in the then ensuing license year, beginning on the first day of July, and such prohibition shall continue in full force for such year and any future year until repealed : and each and all of the provisions of this section shall apply to the proceedings to be taken in reference to such repeal.

(13) In case of any such vote being taken as provided in this section, then no new vote, other than that provided for in subsection (10) of this section, shall be taken for a period of three years thereafter.

(14) The expenses for the taking of such vote over and above the sum of two hundred dollars provided to be paid under this section, shall be defrayed out of the General Revenue Fund of the Territories, such expenses to be certified to by the Board of License Commissioners for the district in which the vote has been taken ; in the event, however, of the expenses of such vote being less than the two hundred dollars deposited as above the balance thereof

remaining after such expenses have been paid shall be returned to the parties depositing the same.

**49.** Subject to the provisions of this Ordinance as to removals and the transfer of licenses, every license for the sale of liquor shall be held to be a license only to the person therein named, and for the premises therein mentioned, and shall remain valid only as long as such person continues to be the occupant of the said premises and the true owner of the business there carried on.

#### TRANSFER OF LICENSES.

**50.** In case any person having lawfully obtained a license under this Ordinance dies before the expiration of his license, or sells, or by operation of law or otherwise assigns his business, or removes from the house or place in respect of which the said license applies, his said license shall, *ipso facto*, become forfeited, and be absolutely null and void to all intents and purposes whatsoever, unless such person, his assigns or legal representatives, within two months after the death, assignment or removal of or sale by the original holder of such license, obtains a written consent, signed by the Chief Inspector, either for the continuance of the said business, or the transfer of such license to some other person, who, under such transfer may exercise the rights granted by such license, subject to all the duties and obligations of the original holder thereof, in the house or place for which such license was issued, and to which it applies, but in no other house or place.

(1) In every case of transfer of an hotel or wholesale license the person in whose favor any such transfer is to be made shall first produce to the Commissioners a report of the Inspector similar to that mentioned in Sections 27 or 28 (as the case may be) of this Ordinance, and the recommendation required by Section 24 hereof where such recommendation was required for the original applicant.

**51.** Where a licensee has been legally ejected from any licensed premises, the Commissioners may, notwithstanding the non-production of the license, on the application in writing of the owner of the premises and the proposed new

tenant, if they cannot produce the license, grant a special license to such new tenant in such form as they shall think applicable, such special license to be signed by the Chief Inspector ; provided always that the Commissioners shall be satisfied that actual value has been received from said owner by said licensee.

**52.** The Commissioners may, by order, authorize any person they may think entitled to the benefit of any license to carry on the business in the licensed premises for the remainder of the term for which the license was granted, in the same manner as if such license had been formally transferred to such person ; (provided proof of value received be given as provided in the next preceding section) in the following cases :

(1) Whenever any person to whom a license has been granted deserts the licensed premises, or refuses or neglects to transfer the license when justly required so to do ; or

(2) If, during the currency of any such license, the holder thereof ceases to occupy the premises in respect whereof the license is held, or his tenancy of such premises is determined by effluxion of time, or by notice to quit, or by any other process whatsoever.

**53.** Where any licensed person is convicted of any offence and in consequence either becomes personally disqualified or has his license forfeited, the Commissioners upon application by, or on behalf of the owner of the premises in respect of which the license was granted (where the owner is not the occupier), and upon being satisfied that such owner was not privy, nor a consenting party to the act of his tenant, and that he has legal power to eject the tenant of such premises, may by order authorize an agent to carry on the business specified in the license relating to such premises until the end of the period for which such license was granted, in the same manner as if such license had been formally transferred to such agent ; provided always such owner shall pay as fee for the balance of the term of the license unexpired a proportionate part of the amount required for one year.

**54.** In case of the marriage of any female being a licensee, the license held by her shall confer on her husband the same privileges, and shall impose on him the same duties, obligations and liabilities as if such license had been granted to him originally: Provided that the Commissioners on application of the husband of any such female licensee, may confirm to him his wife's license for the remainder of the term of the duration thereof, and may grant him a certificate to that effect, which must be signed by the Chief Inspector, such confirmation shall be granted if the Commissioners are satisfied that no objection can be made to the character of the husband, and that he has not forfeited a license within the next preceding three years.

#### REMOVAL OF LICENSEES.

**55.** The Chief Inspector may, after order allowing the same by the Commissioners, endorse on any hotel or wholesale license permission to the holder thereof to remove from the house to which his said license applies to another house to be described in the endorsement to be made by the said Inspector on the said license; provided always that the house to which the licensee proposes to remove has all the accommodation required by law, and subject to the requirements of this Ordinance in the case of an original application for the same kind of a license.

(1) Such permission, when the approval of the said Chief Inspector is endorsed on said license, shall authorize the holder of the said license to sell liquors in the house mentioned in the endorsement during the unexpired portion of the term for which the said license was granted, in the same manner and upon the same terms and conditions as he might do in the premises to which the license originally applied; any bond or security which such holder of a license may have given for any purpose in relation to such license shall apply to the house or place to which removal is authorized; but such permission shall not entitle him to sell at any other than such one place.

**56.** In all cases provided for in Sections fifty to fifty-five, both inclusive, of transfer, removal or change in a license, application must be made in the same manner as if for an original application for a license. The amount of

money to be sent with said application shall be the sum of ten dollars. The Chief Inspector, upon receiving the application from the Officer referred to as appointed by the Lieutenant - Governor - in - Council, shall proceed as is provided in Section twenty, in cases where persons apply at other than the regular time for licenses, and the same additional fees must be paid as are provided in said Section twenty.

**57.** The Judge of the Supreme Court within whose jurisdiction the licensed premises lie shall, upon complaint of any person that a license therefor or a transfer of such license has been improperly obtained, have power to direct the Commissioners to cancel the same should it appear to the said Judge that the same has been obtained by fraud or in an improper manner, provided, that such complaint and the grounds thereof, in writing, be lodged with the Clerk of Court of the Judicial District wherein the licensed premises are situated, accompanied by a fee of ten dollars, to form part of the prosecution fund under this Ordinance, in case such party does not promptly proceed to prosecute such appeal, and such complaint shall be heard and summarily disposed of by the said Judge upon such notice to the licensee as the Judge may direct, if lodged within sixty days from the decision of the License Commissioners granting such license.

**58.** The Chief Inspector shall

(1) Keep a register to be called "The Register of Licenses," containing the particulars of all licenses granted in the district, the premises in respect of which they are granted, the names of the licensees, and the names of the sureties to any bond given by any such licensee in pursuance of the provisions of this Ordinance ; there shall also be entered on the register all forfeitures of licenses, disqualifications of licensees, records of convictions, and other matters relating to the licenses then on the register.

(2) Keep a record of all applications made to the Commissioners, showing the names of the applicants, the nature of the applications, the premises in respect of which the applications are made, the date on which the applications

were heard, and the manner in which the same were disposed of, including, in cases of refusal, the cause or causes thereof;

(3) On request, forthwith transmit extracts from any such Register of Licenses or record of application, to any other Inspector or to the Clerk of the court of any judicial district within the Territories.

(4) Report annually, on the thirtieth day of June, to the officer referred to as appointed by the Lieutenant-Governor-in-Council, and this report shall contain :

(a) A statement of the number and description of licenses, and of the names of applicants to whom licenses were granted during the year.

(b) The names of applicants to whom licenses were not granted.

(c) Any other statement required to be entered in the Register of Licenses.

(d) The prosecutions for infractions of this Ordinance, and the result of the same.

(e) General remarks as to the working of the law within the Territories.

(f) And also any other remarks asked for by the said officer.

**59.** The Inspectors shall, on the thirty-first day of March, the thirtieth day of June, the thirtieth day of September, and the thirty-first day of December in each year, report to the Chief Inspector all prosecutions and convictions obtained under this Ordinance in their district, either by them or to their knowledge, giving dates, names of parties, amount of fines, and name of magistrate before whom case was tried.

#### REGULATIONS AND PROHIBITIONS.

**60.** All licenses shall be constantly and conspicuously exposed in the warehouses and shops, in the bar-rooms of

hotels, or other places of public entertainment to which the licenses respectively relate, under a penalty of five dollars for every day's wilful or negligent omission so to expose them, and in default of payment one week's imprisonment for every day of such omission.

**61.** Every person keeping a licensed hotel or wholesale liquor store shall, during the continuance in force of such license, exhibit and keep exhibited on the outside and over a front door of the licensed premises, in large letters, the words "licensed to sell spirituous or fermented liquors."

**62.** No person, (except the licensee, for wages due for ordinary services in and about his house or premises) shall pay or cause to be paid, or suffer or allow to be paid, any wages to any workman or other person in a hotel, restaurant, or other place licensed to sell liquors, and any such payment shall be of no effect.

**63.** Not more than one bar shall be kept in any house or premises licensed under this Ordinance.

**64.** In all places where intoxicating liquors are licensed to be sold by retail, no sale or other disposal of liquors shall take place therein, or on the premises thereof, or out of or from the same, to any person or persons whomsoever save as hereinafter provided, from or after the hour of seven of the clock on Saturday night till seven of the clock on Monday morning thereafter, nor from or after the hour of half-past eleven o'clock at night until six o'clock the following morning on the other nights of the week. As respects all places where liquors are licensed to be sold by wholesale, no sale or other disposal of liquors shall take place therein, or on the premises thereof, or from or out of the same, to any person or persons whomsoever, from or after the hour of ten o'clock on Saturday night until seven o'clock on Monday morning thereafter, and from eight o'clock at night until seven o'clock in the morning on the other nights of the week, save and except as to both retail and wholesale places in cases where a requisition for medical purposes, signed by a licensed medical practitioner, or by a licensed druggist, or by a Justice of the Peace, is furnished the licensee or his agent;

nor shall any liquor, whether sold or not, be permitted or allowed to be drunk in any such places during the time prohibited by this Ordinance for the sale of the same; provided always that in hotels and restaurants compelled by law to give meals, liquor may be sold during meals on Sundays to the guests *bona fide* residing or boarding in such houses between the hours of one and three and five and seven in the afternoon respectively, to be drunk at their meals at the table; but this provision shall not permit the furnishing of liquor at the bar or place where liquor is usually sold in such houses.

(1) And no sale or other disposal of liquor shall take place in any licensed place within the limits of a polling subdivision on any polling day for or at any Parliamentary election, or election of a member for the Legislative Assembly or any municipal elections, or any day in which a vote in accordance with the provisions of this Ordinance, or any other Ordinance of the Legislature of the Territories, or of any Act of the Parliament of Canada, is being taken, from or after the time of six o'clock in the morning of the said day until the close of the poll; or at or during any time when by statutes in force in the Territories or by by-law in force in the municipality wherever such place or places is or are or may be situated, the same, or the bar-room or bar-rooms thereof, ought to be kept closed.

**65.** Every licensed hotel-keeper refusing at a reasonable rate, either personally or through any one acting on his behalf, except for some valid reason, to supply lodging, meals or accommodation to travellers, shall, for each offence, be liable to a penalty of twenty dollars, and in default of payment, one month's imprisonment.

**66.** If any hotel-keeper, licensed under this Ordinance, receives in payment, or as a pledge for any liquor supplied in or from his licensed premises, anything except current money or the debtor's own cheque on a bank or banker, he shall, for each such offence, be liable to a penalty of twenty dollars; the person to whom anything given as a pledge, as aforesaid, belongs, may recover the same, or the value thereof, in any court of competent jurisdiction notwithstanding such pledge; no hotel-keeper shall receive payment in advance for any liquor to

be supplied, and the amount of any payment so made in advance may be recovered, notwithstanding that any liquor may have been supplied subsequently to such payment.

**67.** If any person holding a license purchases from any person any wearing apparel, jewellery, tools, implements of trade or husbandry, fishing gear, household goods or furniture, either by way of sale or barter, directly or indirectly, the consideration for which, in whole or in part, is any intoxicating liquor, or the price thereof, or receives from any person any goods in pawn for liquor, any two justices of the peace, on sufficient proof on oath being made before them of the facts, may issue a warrant for the restitution of all such property and for the payment of costs; and in default thereof the warrant shall contain directions for levying by sale of the offender's goods and chattels for the value of such property so pawned, sold or bartered, and costs, and the offender shall also be liable to a penalty of twenty dollars, and in default of payment to imprisonment for any term not exceeding one month.

**68.** If any person licensed under this Ordinance permits gambling, drunkenness, or any violent, quarrelsome, riotous, or disorderly conduct to take place on his premises, or sells or delivers any intoxicating liquor to any drunken person, or permits and suffers any drunken person to consume any intoxicating liquor on his premises, or permits and suffers persons of notoriously bad character to assemble or meet on his premises, he shall (in addition to any other punishment provided by law) be liable to a penalty of not less than twenty-five dollars nor more than fifty dollars, and in default of payment to not less than one nor more than two months' imprisonment.

**69.** Every description of gaming, playing at cards, dice or any game of chance, with betting, or with a view to determine as to who shall pay for any liquor consumed or to be consumed, is hereby strictly forbidden and prohibited in any hotel, or other licensed premises in the Territories, and any proprietor, owner or keeper of any such place allowing any description of gaming as aforesaid therein and any person found in any such place engaged in any description of gaming as aforesaid, shall be liable to be fined

in any sum not less than twenty dollars nor more than fifty dollars for every such offence, and in case of default of payment he shall be imprisoned for a term not less than one month nor more than two months.

(a) Provided that any proprietor, owner or keeper of any such place allowing any description of gaming as aforesaid thereon, and any person in any such place engaged in any description of gaming as aforesaid, shall be liable to be arrested on view and brought before any justice and dealt with as above provided.

70. If any licensed person knowingly harbors or knowingly suffers to remain on his premises any constable during any part of the time for such constable to be on duty, unless for the purpose of keeping or restoring order, or in the execution of his duty, or supplies any liquor by way of gift or sale, to any constable on duty, unless by authority of some superior officer of such constable, or bribes, or attempts to bribe, any constable, he shall be liable to a penalty of not less than twenty-five dollars nor more than fifty dollars, and in default of payment to not less than one nor more than two months' imprisonment.

71. Any person licensed under this Ordinance may refuse to admit to the premises in respect of which his license is granted any person who is intoxicated, and may refuse to admit to and may turn out of the premises any person who is violent or quarrelsome or disorderly, and any person whose presence on his premises would subject the licensee to a penalty under this Ordinance; and any such person who, upon being requested in pursuance of this section by such licensed person or his agent, or servant, or any constable to quit such premises, refuses or fails to do so, shall be liable to a penalty of five dollars, and in default of payment one week's imprisonment; and all constables are required, on demand of such licensed person, his agent or servant, to expel, or assist in expelling, every such person from such premises, and may use such force as may be required for that purpose.

72. Every person who makes or uses, or allows to be made or used, any internal communication between any li-

censed premises and any unlicensed premises which are used for public entertainment or resort, or as a refreshment house, shall be liable to a penalty of fifty dollars for every day during which such communication remains open, and in default of payment for every day as aforesaid to one month's imprisonment.

73. Any licensed person who allows to be supplied in his licensed premises, by purchase or otherwise, any description whatever of liquor to any person under the age of eighteen (18) years, of either sex, not being resident on the premises or a *bona fide* guest, lodger or traveller, shall, as well as the person who actually gives or supplies the liquor, be liable to pay a penalty of twenty-five dollars for a first offence, and in default of payment one month's imprisonment; and for a second offence a penalty of fifty dollars, with absolute forfeiture of license, and in default of payment two month's imprisonment and absolute forfeiture of license.

(a) Any person holding a hotel license under this Ordinance who knowingly allows any male under the age of sixteen years or any female to dispose of any form of intoxicants on the premises for which such license is granted shall be liable to all the penalties provided for in this Section; Provided that this shall not apply to female licensees or the wife of a licensee.

74. No person shall recover or be allowed to set-off any charge for intoxicating liquors in any quantity less than one gallon delivered at one and the same time; and specialties, bills, notes, agreements or accounts stated, given, or made in whole or in part for or to secure any such charge shall be void; but nothing herein contained shall extend to any charge made by a person holding an hotel license against any boarder or traveller. It shall not be necessary for any person wishing to take advantage of this section to plead the same specially; but advantage may be taken thereof at any stage of the trial on motion for non-suit. No person resident within one mile of such hotel or licensed house shall be considered a traveller within the meaning of this section.

75. Whenever, in any hotel, or other house or place where intoxicating liquors of any kind are sold, whe-

ther legally or illegally, any person has drunk to excess of intoxicating liquor of any kind therein furnished to him, and while in a state of intoxication from such drinking has come to his death by suicide or drowning or perishing from cold or other accident occasioned by such intoxication, the person, whether the keeper or employee of such hotel, house or place, who delivered to such person the liquor whereby such intoxication was caused shall be liable to an action as for personal wrong at the suit of the legal representatives of the deceased person if such action be brought within three months after such decease but not otherwise; and by such action may recover such sums not less than one hundred dollars nor more than one thousand dollars, as may therein be assessed by the court or judge or jury as damages. The keeper of such hotel, or other house or place, and also any other person or persons who for him, or in his employ delivered to such person the liquor whereby such intoxication was caused, shall be jointly and severally liable to an action as for personal wrong at the suit of the legal representatives of the deceased person, if such action be brought within three months after such decease but not otherwise, and such legal representatives may bring either a joint and several action against them, or a several action against any or either of them, and by such action or actions may recover such sums not less than one hundred nor more than one thousand dollars in the aggregate of any such actions as may therein be assessed by the court or judge or jury as damages.

**76.** No person having a wholesale license shall allow any liquor sold by him or in his possession, and for the sale of which a license is required, to be consumed within his warehouse, or within any building of which such warehouse forms part or which communicates by any entrance with such warehouse, either by the purchaser thereof, or by any other person not usually resident within such building, under a penalty of fifty dollars, and in default of payment two months' imprisonment.

**77.** Any person selling liquors by wholesale to any person who he knows or has reason to believe is selling liquor without license, shall be guilty of an offence for which he may be punished as if he were guilty of selling without a license.

**78.** If any person having a license to sell liquors not to be drunk on the premises, himself takes or carries, or employs or suffers any other person to take or carry any liquor out of or from the premises of such licensed person for the purpose of being sold on his account or for his benefit or profit, and of being drunk or consumed in any other house, or in any tent, shed, or other building of any kind whatever, belonging to such licensed person, or hired, used or occupied by him, such liquor shall be deemed to have been consumed by the purchaser thereof on the premises of such licensed person, with his privity and consent, and such licensed person shall be punished in the manner provided by section 76 of this Ordinance.

(1) In any proceeding under this section it shall not be necessary to prove that the premises, or place or places to which such liquor is taken to be drunk, belonged to, were hired, used or occupied by the seller, if proof be given to the satisfaction of the court hearing the case that such liquor was taken to be consumed thereon or therein with intent to evade the conditions of his license.

**79.** Upon the application of any society, or incorporated turf club or racing association, the Chief Inspector may in his discretion grant a permit to any licensee under this Ordinance to sell, by retail, for any period not exceeding six (6) days, ale or lager beer, but not spirits, in a covered booth or tent upon grounds occupied by any such society, association or club for the time being for the purpose of holding meetings for the encouragement of manly sports and exercises, or for the purpose of holding racing or trotting matches, provided that said meeting is held within a staked or fenced enclosure and does not include any licensed premises within the limits of such enclosure. The licensee to whom any such permit may be granted shall pay therefor a fee of ten dollars to the officer referred to as appointed by the Lieutenant-Governor-in-Council for each day covered by the permit, and shall be liable to the provisions of this Ordinance as if selling in his own licensed premises; provided always, that an Inspector of the district shall approve of the location of the tent or booth in which such liquors may be sold under such permit.

## POWERS OF INSPECTORS AND OTHER OFFICERS.

**80** Any police officer, policeman or constable, or Inspector of Licenses shall, for the purpose of preventing or detecting the violation of any of the provisions of this Ordinance which it is his duty to enforce, at any time have the right to enter into any and every part of any hotel or other place wherein refreshments or liquors are sold, or reputed to be sold, whether under license or not, and to make searches in every part thereof, and of the premises connected therewith, as he may think necessary for the purpose aforesaid.

(1) Every person being therein or having charge thereof, who refuses or fails to admit such police officer, policeman or constable, or Inspector demanding to enter in pursuance of this section in the execution of his duty, or who obstructs or attempts to obstruct the entry of such police officer, policeman, constable or Inspector, or any such searches as aforesaid, shall be liable to a fine of fifty dollars, and in default of payment to one month's imprisonment, in addition to any other punishment in such case provided.

**81.** Any Justice, if satisfied by information on the oath of any police officer, policeman, constable or Inspector, that there is reasonable ground for belief that any spirituous or fermented liquor is being kept for sale or disposal contrary to the provisions of this Ordinance in any unlicensed house or place within his jurisdiction may, in his discretion, grant a warrant under his hand by virtue whereof it shall be lawful for the person named in such warrant at any time or times within ten days from the date thereof to enter, if need be, by force, the place named in the warrant, and every part thereof, and of the premises connected therewith, and to examine the same and search for liquor therein; and for such purpose such person may, with such assistance as he deems expedient, break open any door, lock or fastenings of such premises, or any part thereof, or of any closet, cupboard, box or other article likely to contain any such liquor; and in the event of any liquor being so found unlawfully kept on the said premises, the occupant thereof shall, until the contrary is proved, be deemed to have kept such liquor for the purposes of sale contrary to the provisions of section eighty-three of this

Ordinance and may be arrested by such officer or person having the warrant for search as aforesaid, and any person so arrested shall be liable to be charged and dealt with as provided under this Ordinance, and may be fined or imprisoned therefore as provided in section ninety-one of this Ordinance.

(1) When any Inspector, policeman, constable or officer, in making or attempting to make any search under or in pursuance of the authority conferred by section eighty of this Ordinance, or under the warrant mentioned in this section, finds in an unlicensed house or place any liquor which in his opinion is unlawfully kept for sale or disposal contrary to this Ordinance, he may forthwith seize and remove the same, and the vessels in which the same is kept, and upon the conviction of the occupant of such house or place, or any other person, for keeping liquor for sale in such house or place without license, the Justices making such conviction may, in and by the said conviction, or by a separate and subsequent order, declare the said liquor and vessels, or any part thereof, to be forfeited to Her Majesty, and may order and direct that the said Inspector, policeman, constable or officer shall destroy the same or any part thereof, and the Inspector or other person as aforesaid shall thereupon forthwith destroy the same or part thereof, as directed by such conviction or order, and such declaration may be in the form in Schedule R.

#### NO LIQUOR TO BE SOLD WITHOUT LICENSE.

**82.** No person shall sell by wholesale or by retail any liquor without having first obtained a license under this Ordinance authorizing him so to do.

**83.** No person shall keep or have in any house or other place whatsoever, any liquors for the purpose of selling, bartering, or trading therein, unless duly licensed thereto under the provisions of this Ordinance.

**84.** The said sections numbered eighty-two and eighty-three of this Ordinance shall not prevent any chemist or druggist, duly registered as such, from keeping, having or selling liquors for strictly medicinal purposes, but no such sale shall be made in packages of more than six ounces at

any one time except under certificate from a registered medical practitioner, and it shall be the duty of every such chemist or druggist to record in a book, to be open to the inspection of the Commissioners or Inspectors, every sale or other disposal by him of liquor ; and such record shall show, as to every such sale or disposal, the time when, the person to whom, and the quantity in which such is sold, and the certificate of the medical practitioner, if any, and in default of sale or disposal being so placed on record, every such sale or disposal shall *prima facie*, be held to be in contravention of the provisions contained in the said eighty-second and eighty-third sections of this Ordinance; Provided always, that no person authorized to sell liquors, as provided by this section, shall allow any liquors sold by him or on his premises, to be consumed within his shop or the premises of which such shop forms part.

(2) Any chemist or druggist who, colorably for medicinal purposes, sells liquor under this section, for the purpose of enabling any person to obtain liquor to drink as a beverage shall be liable to a penalty of fifty dollars, and in default of payment to one month's imprisonment.

#### ADULTERATION.

§ 5. Every person, being a licensee under this Ordinance, who sells or offers for sale any liquor with which is mixed any ingredient or material injurious to health, or whereby such liquor is rendered injurious to the health of persons drinking the same, and every such person who sells as unadulterated any liquor which is adulterated, shall, on conviction before a Justice of the Peace, be liable for every such offence to a penalty not exceeding fifty dollars ; unless at the time of sale the seller stated that the liquor so about to be sold was adulterated, he shall be taken to have sold it as unadulterated, and the onus shall be upon the seller to prove that he then stated such liquor to be adulterated.

(2) Where a licensed person is convicted of any offence for adulteration of liquor, and his license is not forfeited for such offence, any Inspector or constable of the district shall cause a placard stating such conviction to be affixed to the premises; such placard shall be of such size and form, and shall be printed in such letters, and shall contain such particulars, and shall be affixed to such part of the licensed pre-

mises, as the convicting justice may think fit, and such licensed person shall keep the same affixed during the two weeks after the same is first affixed; and if he fails to comply with the provisions of this section with respect to keeping such placard affixed, or defaces or allows such placard to be defaced, or if the same is defaced and he fails forthwith to renew the same, he shall be liable to a penalty not exceeding fifty dollars for every day on which the same remains so defaced and unrenewed; and any Inspector or any constable may affix or re-affix such placard during the said two weeks, or such further time as may be directed by the convicting justice at the time of conviction.

**86.** In order to obtain an analysis of any liquor, substance or thing found in or upon any licensed premises it shall be lawful for any justice, on information on oath made to him that there is reason to believe that any such liquor so found is adulterated, or contains any deleterious ingredient as aforesaid, or that any such substance, matter or thing of a deleterious character is to be found upon any licensed premises, to authorize the seizure of such suspected liquor, substance, matter or thing, and to cause the same, or a sample thereof, to be analyzed by some competent person, and to order the forfeiture of the whole of the kind of liquor analyzed and found to be adulterated, or to contain any deleterious ingredient, and also of any substance, matter or thing of a deleterious character found in the possession or on the premises of the person offending; and the expense of such analysis and forfeiture shall be a portion of the costs which such justice shall have power to order to be paid by any person convicted; and in every proceeding under this section proof of the fact that any liquor was adulterated or contained any deleterious ingredient, or that any substance, matter or thing of a deleterious character was found on the licensed premises, shall be *prima facie* evidence that the licensed person in whose possession the same was found, did knowingly sell, or offer, or expose or have for sale such liquor, or that such substance, matter or thing of a deleterious character was kept for adulterating or mixing with the liquor sold: Provided always, that any person charged with any offence against this section or the preceding section may give evidence on his own behalf to prove that the said liquor was, when seized, in the same condition as it was when it

came into his possession by a *bona fide* purchase, and was not adulterated or mixed with any deleterious ingredient by him or any person acting under his authority, and was not then to his knowledge adulterated, and that such substance, matter or thing was not kept for adulterating or mixing with the liquor sold.

(2) Any Inspector may, at all times during business hours, and after such hours for reasonable cause, enter on any licensed premises; he may also examine every room and every part of such premises, and take an account of all liquor therein, and may demand, select and obtain samples of any liquor which may be in such house or premises,—such samples to be sealed by the Inspector in the presence of the licensee or other person in charge of the house or premises, and, if such licensee or other person so desires, with the seal of the licensee or such person; and on payment or tender of payment for such samples of liquor, the Inspector may remove the same for the purpose of analysis or otherwise.

**87.** It shall be the duty of the Inspector from time to time when directed by the Chief Inspector to visit and inspect every licensed place within the district, and to report forthwith to the Chief Inspector every case of infraction of the provisions of this Ordinance; and every Inspector shall at once, and in conformity with the provisions herein contained, prosecute any person so offending, and shall suffer no unnecessary delay to intervene between his obtaining the information and the prosecution.

(1) It shall be the duty of the Inspector to institute prosecutions.

**88.** For punishment of offences against Section sixty-four of this Ordinance, a penalty shall be imposed for the first offence against the provisions thereof, of not less than fifty or more than one hundred dollars and in default of payment not less than two months or more than four months imprisonment; for the second or any subsequent offence a penalty of not less than one hundred dollars nor more than two hundred dollars with absolute forfeiture of license, and in default of payment not less than four nor more than six months imprisonment with absolute forfeiture of license.

**89.** Any medical practitioner who, colorably for medical purposes, gives a certificate or requisition without which liquor could not lawfully be obtained, in quantities of more than six ounces, to enable or for the purpose of enabling any person to obtain liquor to drink as a beverage shall be liable to a penalty of fifty dollars, and in default of payment one month's imprisonment.

**90.** If any purchaser of any liquor from a licensed person who is not licensed to sell the same to be drunk on the premises, drinks, or causes or permits any other person to drink such liquor on the premises where the same is sold, the seller of such liquor shall, if it appears that such drinking was with his privity or consent, be subject to the following penalties, that is to say:—

For the first offence he shall be liable to a penalty of fifty dollars, and in default of payment, one month's imprisonment.

For a second offence, one hundred dollars with absolute forfeiture of license, and in default of payment, imprisonment for three months, and absolute forfeiture of license.

(1) For the purpose of this Section the expression "premises where the same is sold" shall include any premises adjoining or near the premises where the liquor is sold, if belonging to the seller of the liquor, or under his control, or used by his permission.

(2) Any purchaser of liquors in a house or premises, to which a wholesale license applies, who drinks or causes any one to drink, or allows liquor to be drunk in the premises where the same has been purchased, shall be liable to the penalty and punishment set forth in this Section.

**91.** Any person who sells or barter liquor of any kind without the license therefor by law required shall, for the first offence, be liable to a penalty of not less than fifty dollars nor more than two hundred and fifty dollars, and in default of payment not less than two months nor more than six months' imprisonment. For a second offence, not less than two hundred dollars nor more than five hundred dollars, and in default of payment not less than three months nor more than twelve months' imprisonment. For a third or subsequent offence, not less than five hundred dollars nor

more than one thousand dollars, and in default of payment not less than nine months nor more than two years' imprisonment.

#### INTERDICTION.

**92.** When it shall be made to appear to any two justices of the peace that any person, by excessive drinking of liquor, mis-spends, wastes, or lessens, his or her estate, or greatly injures his or her health, or endangers or interrupts the peace and happiness of his or her family, the justices shall, by writing under their hand, forbid any licensed person in the Territories, to sell him or her liquor for the space of one year.

(1) Whenever the sale of liquor to any such drunkard shall have been so prohibited if any other person, with a knowledge of such prohibition, gives, sells, purchases or procures for or on behalf of such prohibited person, or for his or her use, any liquor, such other person shall, upon conviction, incur for every such offence a penalty not less than fifty dollars nor more than two hundred dollars, and in default of payment not less than two months nor more than twelve months' imprisonment, and if the holder of any license under this Ordinance he shall forfeit the same.

**93.** It shall be the duty of any Justices making any order under the next preceding section to forthwith send a copy of such order to the Chief Inspector. The Chief Inspector shall send a notice (Schedule I) to all licensed persons whose premises are in the locality where such interdicted person lives, by registered letter.

**94.** The following persons, viz :

(a) Any husband or wife whose wife or husband has contracted the habit of drinking intoxicating liquors to excess;

(b) The father, mother, curator, guardian or employer of any person under the age of twenty-one years, who has contracted the habit of drinking intoxicating liquors to excess;

(c) The manager or person in charge of an asylum or hospital or other charitable institution in which any person who has contracted the habit of drinking intoxicating liquors to excess resides or is kept;

(d) The curator or committee of any lunatic; or

(c) The father, mother, brother or sister of the husband or wife of any person who has contracted the habit of drinking intoxicating liquors to excess;

May require the Inspector for the district to give notice in writing (which may be in the form in Schedule J), signed by him, to any person licensed to sell, or who does sell, liquor, that he is not to sell or deliver any liquor to the person named.

(1) If in the course of one year from the date of such notification the person so notified, either personally or by his clerk, servant or agent, sells or delivers such liquors otherwise than on a certificate for medical purposes, signed by a medical practitioner, to the person named, he shall incur upon conviction for any such offence a penalty of one hundred dollars, and in default of payment, two months' imprisonment, and forfeiture of license, if such person is a licensee.

**95.** Every person who, by falsely representing himself to be a lodger or traveller, buys or obtains, or attempts to buy or obtain, at any premises, any liquor during the period when such premises are required to be closed as to the sale thereof, in pursuance of this Ordinance, shall be liable to a penalty of twenty dollars, and in default of payment one months' imprisonment.

**96.** It shall not be lawful for the Chief Inspector or any Inspector of any license district, either directly or indirectly, to receive, take or have any money whatsoever, for any license, report, matter or thing connected with or relating to any grant of any license, or to receive, take or have any note, security or promise for the payment of any such money, or any part thereof, from any person or persons whatsoever; and any person or persons guilty of or concerned in, or party to any act, matter or thing contrary to the provisions of this section, shall be liable to a penalty of two hundred dollars, and in default of payment imprisonment for three months.

**97.** Any Commissioner, Inspector, officer or other person who, contrary to the provisions of this Ordinance knowingly issues, or causes or procures to be issued, any liquor license, or a certificate therefor, shall be liable to a penalty of two hundred and fifty dollars, and in default of payment imprisonment for six months.

**98.** Any person who, having, or being charged with having, violated any of the provisions of this Ordinance, compromises, compounds or settles, or offers or attempts to compromise, compound or settle the offence with any person or persons, with the view of preventing any complaint being made in respect thereof, or, if a complaint has been made, with the view of getting rid of such complaint, or of stopping or having the same dismissed for want of prosecution or otherwise, shall, on conviction therefor, incur a penalty of one hundred dollars, and in default of payment imprisonment for two months.

**99.** Every person who is concerned in, or is a party to the compromise, composition or settlement mentioned in the next preceding Section shall be guilty of an offence, and on conviction thereof, shall incur a penalty of fifty dollars, and in default of payment one month's imprisonment.

**100.** Any one knowing, or having reason to believe, that an order to commit to jail has been issued against any person under this Ordinance, who prevents the arrest of such person, or procures or facilitates by any act or counsel, or in any other manner whatsoever, his avoidance of arrest, or who provides such person with the means of avoiding arrest, shall incur a penalty of fifty dollars, and in default of payment two months' imprisonment in addition to any other penalty provided by law.

**101.** Every second conviction for any offence against the provisions of Sections seventy-three, seventy-six, seventy-seven and seventy-eight, and every conviction for an offence against the provisions of any of the said Sections when there has been a previous conviction for an offence against the provisions of any other of them, and every third conviction for an offence against the provisions of this Ordinance, or any of them, shall operate as a forfeiture of the license of the offender, when not otherwise provided.

**102.** Every person who shall violate any of the provisions of this Ordinance, for which violation no penalty is herein specially provided, shall incur and pay a penalty of not less than fifty dollars nor more than one hundred dollars, and in default of payment imprisonment for not less than one month nor more than four months.

**103.** All persons convicted of offences under this Ordinance, punishable by imprisonment, may be so imprisoned in the common gaol of the judicial district within which such conviction takes place; or where this is impossible or inconvenient, owing to the absence or remoteness of any jail or place of confinement, then such person may be sentenced to be placed and kept in the custody of the North-West Mounted Police force.

**104.** No justice, license Commissioner or Inspector, or municipal council or municipal officer shall have any power or authority to remit, suspend or compromise any penalty or punishment inflicted under this Ordinance; and every justice is hereby required to make a return of the case and pay over all fines and money, immediately on receiving the same, to the officer referred to as appointed by the Lieutenant-Governor-in-Council.

(a) In every case where a penalty is authorized to be inflicted by this Ordinance, the Justices shall have the power to order costs, including costs of conveying to jail or to the custody of the North-West Mounted Police force, to be paid in addition to the amount of the penalty, and such costs when so ordered shall be considered part of the penalty.

(b) The Lieutenant Governor-in-Council may in a proper case order any fine under this Ordinance to be remitted, or if paid to be refunded.

#### PROSECUTIONS.

**105.** All information or complaints for the prosecution of any offence against any of the provisions of this Ordinance, except as herein specially provided, shall be laid or made in writing within thirty days after the commission of the offence, before a justice of the peace.

**106.** Such prosecution may be brought for hearing and determination before any two justices of the peace.

**107.** When such prosecution is brought for hearing and determination before two justices of the peace, no other justice shall sit or take part therein, unless by reason of their absence or the absence of one of them, nor yet in the latter case unless with the assent of the other of them.

**108.** The description of any offence under this Ordinance in the words of this Ordinance or in words of like effect shall be sufficient in law, and any exception, exemption, provision, excuse or qualification, whether it does or does not accompany the description of the offence in this Ordinance, may be proved by the defendant, but need not be specified or negatived in the information; but if it be so specified or negatived no proof in relation to the matter so specified or negatived shall be required on the part of the informant or complainant, and the forms given in Schedule K shall be sufficient in the cases therein provided for.

**109.** Several cases of contravention of this Ordinance committed by the same person, may be included in one and the same information or complaint; provided that such information or complaint, and the summons, issued thereon, contains specifically the time and place of each contravention.

**110.** It shall be the duty of the Inspector to see that a synopsis of this Ordinance, and the penalties thereunder, shall be posted in a conspicuous place where liquor is sold under this Ordinance, and every licensee failing to post the same on being requested so to do by the Inspector, shall, on conviction, forfeit a sum of twenty-five dollars. Such synopsis shall be printed in such languages as the Commissioners may direct.

#### INFORMATION AND OTHER PROCEEDINGS

**111.** In describing the offences respecting the sale or other disposal of liquor, or the keeping or the consumption of liquor, in any information, summons, conviction, warrant or proceeding under this Ordinance, it shall be sufficient to state the sale, disposal, keeping or consumption of liquor simply, without stating the name or kind of such liquor or the price thereof, or the name of any person to whom it was sold or disposed of, or by whom it was consumed; and it shall not be necessary to state the quantity of liquor so sold, disposed of, kept or consumed, except in the case of offences where the quantity is essential, and then it shall be sufficient to allege the sale or disposal of more or less than such quantity as the case may require, and informations may be in the forms in Schedules L and M.

**112.** In the event of any variance between the information and the evidence adduced in support thereof, the Justice or Justices may amend or alter such information, and may substitute for the offence charged therein any other offence against the provisions of this Ordinance; but if it appears the defendant has been materially misled by such variance, the said Justice or Justices shall thereupon adjourn the hearing of the case to some future day, unless the defendant waives such adjournment.

**113.** The forms set forth in the schedules to this Ordinance, or any forms to the like effect, shall be sufficient in the cases thereby respectively provided for; and when no forms are prescribed by the said schedules, they may be framed in accordance with those appended to the Act of the Parliament of Canada which may be cited as "The Summary Convictions Act."

PROCEDURE IN CASES WHERE PREVIOUS CONVICTION IS  
CHARGED.

**114.** The proceedings upon any information for committing an offence against any of the provisions of this Ordinance, in a case where a previous conviction or convictions are charged, shall be as follows:

(1) The Justices or Justices shall, in the first instance, inquire concerning such subsequent offence only, and if the accused be found guilty thereof, he shall then, and not before, be asked whether he was so previously convicted, as alleged in the information, and if he answers that he was so previously convicted, he shall be sentenced accordingly; but if he denies that he was so previously convicted, or stands mute of malice, or does not answer directly to such question, the Justice or Justices shall then enquire concerning such previous conviction or convictions.

(2) Such previous convictions may be proved *prima facie* by the production of a certificate purporting to be under the hand of the convicting Justices or the Clerk of the Court to whose office the conviction has been returned, without proof of signature or official character.

(3) In the event of any conviction for any second or subsequent offence becoming void or defective, after the

making thereof, by reason of any previous conviction being set aside, quashed, or otherwise rendered void, the justices or, by whom such second or subsequent conviction was made, shall by summons under their hands, summon the person convicted to appear at a time and place to be named in such summons, and shall thereupon, upon proof of the due service of such summons, if such person fails to appear, or on his appearance, amend such second or subsequent conviction and adjudge such penalty or punishment as might have been adjudged had such previous conviction never existed; and such amended conviction shall thereupon be held valid to all intents and purposes, as if it had been made in the first instance.

(4) In case any person who has been convicted of a contravention of any provision of any of the sections of this Ordinance, mentioned in section 101, is afterwards convicted of an offence against any provision of any of the said sections, such conviction shall be deemed a conviction for a second offence, within the meaning of the said section, and shall be dealt with and punished accordingly, although the two convictions may have been under different sections.

**115.** A conviction may, in any case, be had as for a first offence, notwithstanding that there may have been a prior conviction or convictions for the same or any other offence.

**116.** Convictions for several offences may be made under this Ordinance, although such offences may have been committed on the same day; but the increased penalty or punishment hereinbefore imposed shall only be incurred or awarded in the case of offences committed on different days, and after information laid for a first offence.

**117.** No conviction or warrant for enforcing the same or any other process or proceeding under this Ordinance shall be held insufficient or invalid by reason of any variance between the information and the conviction, or by reason of the punishment imposed, or the conviction or order made being in excess of that which might lawfully have been imposed or made, or by reason of any other defect in form or substance, provided it can be understood from such conviction, warrant, process or proceeding that the same was made for an offence against some provision of this Ordinance

within the jurisdiction of the justice or justices who made or signed the same, and provided there is evidence to prove such offence and that it can be understood from such conviction, warrant or process that the appropriate penalty or punishment for such offence was thereby adjudged.

(1) Upon any application to quash any such conviction, or the warrant for enforcing the same, or other process or proceeding, whether in appeal or upon *habeas corpus*, or by way of *certiorari* or otherwise, the court or judge to which such appeal is made, or to which such application has been made upon *habeas corpus* or by way of *certiorari*, or otherwise, shall dispose of such appeal or application upon the merits, notwithstanding any such variance, excess of jurisdiction, or defect as aforesaid; and in all cases where it appears that the merits have been tried, and that the conviction, warrant, process or proceeding is sufficient and valid under this section or otherwise, and there is evidence to support the same, such conviction, warrant, process or proceeding shall be affirmed, or shall not be quashed (as the case may be); and such court or judge shall in any case amend the same if necessary, and any conviction, warrant, process or proceeding so affirmed or affirmed and amended, shall be enforced in the same manner as convictions affirmed on appeal, and the costs of the application shall be recoverable as if originally awarded.

**118.** Any person may be prosecutor or complainant under this Ordinance.

**119.** No License Commissioner or Inspector of Licenses who is a justice shall try or adjudicate upon any complaint for an infraction of any of the provisions of this Ordinance committed within the territorial limits for which he is a Commissioner or Inspector.

**120.** All the provisions of the Act of the Parliament of Canada, which may be cited as "The Summary Convictions Act," and the Acts already passed, or which may be hereafter passed amending the same, shall apply to all prosecutions and proceedings under this Ordinance, so far as the same are not inconsistent with this Ordinance.

(1) The Justice or Justices shall in all cases reduce or cause to be reduced to writing the evidence of the witness or witnesses examined before him or them, and shall read the same over to the witness or witnesses or cause it so to be read, whereupon such witness shall sign the same: Provided that if any witness is unable to write or refuse to sign the same, the cause or reason shall be noted in writing at the end or foot of such written deposition and attested by the signature of the Justice or Justices.

**121.** Whenever a licensee is convicted of any offence against the provisions of this Ordinance, a record thereof shall be endorsed on the license of the person convicted, and the following provisions shall have effect, that is to say:—

(1) The Justice or Justices before whom any licensed person is accused shall require such person to produce and deliver to him the license under which such person carries on business and the summons shall state that such production will be required:

(2) If such person is convicted the court shall cause the short particulars of such conviction and the penalty imposed, to be endorsed on his license before it is returned to the offender; and such record shall be *prima facie* evidence of such conviction, where such is subsequently required:

(3) The Chief Inspector shall enter the particulars respecting such conviction, or such of them as the case may require, in the register of licenses kept by him under this Ordinance, and all Justices shall notify the Chief Inspector in writing of any convictions they have made.

(4) Where the conviction of any such person has the effect of causing the forfeiture of the license or of disqualifying any person for the purposes of this Ordinance, the license shall be forwarded by the Justice or Justices with notice of such forfeiture or disqualification, to the Chief Inspector.

**122.** The Justices or Justices on any conviction against a licensed person for an offence against this Ordinance, shall send forthwith to the Chief Inspector a certificate of such conviction.

**123.** For the additional duties imposed by the two next preceding sections, the Justice or Justices shall be entitled to charge as costs in the proceedings the following sums:

For making up and forwarding certificate of conviction to the Chief Inspector the sum of fifty cents. For recording the conviction on the license, the sum of fifty cents.

#### APPEALS.

**124.** In all cases of prosecution for any offence against any of the provisions of this Ordinance for which any penalty or punishment is prescribed by the ninety-first section of this Ordinance, except as hereinafter mentioned, there shall be no appeal against the conviction or order.

(1) An appeal shall lie from a conviction for any offence for which a penalty or punishment is prescribed by the ninety-first section of this Ordinance to the Judge of the Supreme Court of the judicial district in which the conviction is had, in chambers without a jury, provided a notice in writing of such appeal is given to the prosecutor or complainant within five days after the date of said conviction, subject to the following provisions:

(a) Where the penalty of imprisonment is adjudged, the person convicted, in case he is in custody, shall either remain in custody until the hearing of such appeal before the said judge, or shall enter into a recognizance with two sufficient sureties, in the sum of two hundred dollars (\$200) each, before the convicting Justice or Justices, conditioned personally to appear before the said judge, and to prosecute such appeal and abide and satisfy the judgment thereupon, and to pay such costs as the judge may order; and in case the appeal is against a conviction whereby only a fine or penalty of disqualification is imposed, the appellant may, (although the order directs imprisonment in default of payment), instead of remaining in custody as aforesaid, give such recognizance as aforesaid, or may deposit with the Justice or Justices convicting the amount of the penalty and costs, and a further sum of twenty-five dollars to answer the respondent's costs of appeal.

(b) Upon such recognizance being given or deposit made,

the Justice or Justices shall liberate such person, if in custody, and shall forthwith deliver or transmit by registered letter, post paid, the depositions and papers in the case, with the recognizance or deposit (as the case may be), to the clerk of the court before which the appeal is to be tried.

**125.** The practice and procedure upon such appeal, and the proceedings thereon, shall, as nearly as possible, be as follows:

(1) Within ten days after the date of the conviction, but not afterwards, unless it is made to appear to the judge that the delay arose wholly from the default of the convicting Justice or Justices, the judge, if he is of opinion from the evidence that the conviction may be erroneous, may grant a summons calling upon the prosecutor to show cause why the conviction should not be quashed.

(2) Such summons shall not be granted in any case after the expiration of one month from the date of the conviction

(3) Upon the return of the summons the judge, upon hearing the parties, and on considering the evidence returned by the Justice or Justices may make an order affirming, or amending and affirming, or quashing the conviction as he may think just, and may order the payment of costs, and may fix the amount thereof.

(4) Upon the production of the judge's order affirming or amending and affirming the conviction, the Justice or Justices who has or have made the conviction shall, if the case is one in which a recognizance has not been given, issue his or their warrant for payment of such further sum for costs as the sum deposited with him or them is insufficient to pay; if the conviction is quashed the judge shall order a return of the money deposited, and shall have authority to order payment of such sum for costs as he may tax and allow; and unless the sum is paid by the complainant, the Justice or Justices shall issue his or their warrant to levy the costs.

(5) If by the conviction it is adjudged that the person convicted should be imprisoned in default of the payment of any penalty, and the conviction is affirmed, or amended

deemed broken and the recognizance forfeited, and upon proof of the default being made, by affidavit of the officer or otherwise, the judge may certify the default on the back of the recognizance, and shall thereupon transmit the recognizance to the Clerk of the Court for the judicial district within which the said conviction was had.

(6) Such recognizance shall thereafter be estreated; but such proceeding shall not relieve the person convicted from undergoing the term of imprisonment to which he was sentenced; and the warrant of the judge may be executed in any part of the Territories in the same manner and subject to the like conditions as a warrant of a justice for the apprehension of an offender.

(7) If by the conviction only a money penalty is imposed, the said judge, upon being satisfied, by affidavit or otherwise, that default has been made upon a recognizance given on an appeal in such a case, shall certify in a like manner as is provided in sub-section five of this section, and similar proceedings shall thereupon be had in respect of such recognizance.

(8) In case it is proved to the satisfaction of the judge that the person convicted had previously served a portion of his term, the judge shall only issue his warrant for the commitment of the defendant for the residue of the term of imprisonment to which he was sentenced; the judge may, if he thinks fit, transmit his said warrant to the convicting Justice or Justices in order that he or they may place the same in the hands of a constable for execution.

(9) Any warrant issued under this section may be directed in the same manner and executed by the like officers as a warrant of commitment upon a summary conviction or order.

(10) In all cases of appeal to a judge from any conviction under this Ordinance had before a justice or justices, the judge to whom such appeal is made shall hear and determine the charge or complaint on which such conviction has been had upon the merits, notwithstanding any defects of form or otherwise in such conviction; and if the person charged or complained against is found to have been guilty, the conviction shall be affirmed and the judge shall amend the same if and affirmed, or if the person convicted fails duly to prosecute the appeal, the judge shall issue his warrant for the commitment to the proper jail or other place of imprisonment of the person convicted, and unless such person within

one week thereafter surrenders himself into the custody of the constable or other officer entrusted with the execution of the warrant, the condition of the recognizance shall be necessary, and make such other and further order as to the money deposited and costs as may be proper under the circumstances.

(11) No conviction affirmed or amended and affirmed on appeal by the judge shall be quashed for the want of form, and no warrant or commitment shall be held void by reason of any defect therein, provided it is therein alleged that the party has been convicted and there is a good and valid conviction to sustain the same.

(12) In every process and in all proceedings before a judge under this section, the judge shall, with reference to the matters herein contained, have all the powers which belong to or might be exercised by him in the said Supreme Court, or upon any appeal under the provisions of the Act of the Parliament of Canada which may be cited as "The Summary Convictions Act," and the amendments thereto, consistently with the provisions of this Ordinance, and all necessary process may be issued by the clerk of the said court.

(13) There shall be no appeal from the decision of the judge in virtue of the provisions of this and the last preceding section.

**126.** When not otherwise provided, a third conviction of a licensed person under this Ordinance for any violation or contravention of the provisions of this Ordinance, shall *ipso facto* operate as a forfeiture of his license, and disqualify the person convicted from obtaining a license for three years thereafter.

**127.** The penalties in money under this Ordinance, or any portion of them which may be recovered, shall be paid to the convicting justice or justices, and shall by him be forthwith paid to the officer referred to as appointed by the Lieutenant-Governor-in-Council.

#### EVIDENCE, ETC.

**128.** In any prosecution or proceeding under this Ordinance, in which proof is required respecting any license, a certificate purporting to be under the hand of the Chief Inspector shall be *prima facie* proof of the existence of a

license and of the identity of the person to whom the same was granted or transferred; and the production of such certificate shall be sufficient *prima facie* evidence of the facts therein stated and of the authority of the Chief Inspector, without any proof of his appointment or signature.

**129.** Any regulation made by the Commissioners shall be sufficiently authenticated by being signed by them, and a copy of such regulation, written or printed, and certified to be a true copy by them, or one of them, shall be deemed authentic, and be received as *prima facie* evidence in any court of justice without proof of the signature or signatures, unless it is specially pleaded or alleged that the signature or signatures to any such original resolution have been forged, and evidence of such forgery has been adduced, by the person accused, sufficient, in the opinion of the court, to make the proving of the signature or signatures advisable.

**130.** Any house, shop, room or other place in which it is proved that there exists a bar, counter, beer pumps, kegs, jars, decanters, tumblers, glasses, or any other appliances or preparations similar to those usually found in hotels and shops where liquors are accustomed to be sold or trafficked in, shall be deemed to be a place in which liquors are kept or had for the purpose of being sold, bartered or traded in, in contravention of the eighty-second section of this Ordinance, unless the contrary is proved by the defendant in any prosecution; and the occupant of such house, shop, room or other place shall be taken to be the person who has, or keeps, therein such liquors for sale, traffic or barter therein.

**131.** In proving the sale or disposal, gratuitous or otherwise, or consumption of liquor, for the purposes of any proceeding relative to any offence under this Ordinance, it shall not be necessary to show that any money actually passed, or any liquor was actually consumed, if the justice or justices hearing the case is or are satisfied that a transaction in the nature of a sale or other disposal actually took place, or that any consumption of liquor was about to take place; and proof of consumption or intended consumption of liquor on premises, in respect to which a license is required under this Ordinance, by some person other than the occupier of the premises, shall be evidence that such liquor was sold to the per-

son consuming, or being about to consume, or carrying away the same, as against the occupant of the said premises.

**132.** The occupant of any house, shop, room or other place in which any sale, barter or traffic of liquors, or any matter, act or thing in contravention of any of the provisions of this Ordinance, shall be personally liable to the penalty prescribed in the eighty-eighth and ninety-first sections of this Ordinance, as the case may be, notwithstanding such sale, barter or traffic be made by some other person, who cannot be proved to have so acted under or by the directions of such occupant; and proof of the fact of such sale, barter or traffic, or other act, matter or thing, by such person in the employ of such occupant, or who is suffered to remain in or upon the premises of such occupant, or to act in any way for such occupant, shall be conclusive evidence that such sale, barter or traffic, or other act, matter or thing, took place with the authority and by the direction of such occupant.

**133.** In any prosecution under this Ordinance for the sale or other disposal of liquor without the license required by law, it shall not be necessary that any witness should depose directly to the precise description of the liquor sold or bartered or the precise consideration therefor.

**134.** In any prosecution under this Ordinance, whenever it appears that the defendant has done any act or been guilty of any omission in respect of which, were he not duly licensed, he would be liable to some penalty under this Ordinance, it shall be incumbent upon the defendant to prove that he is duly licensed.

**135.** The fact of any person not being a licensed person keeping up any sign, writing, painting or other mark in or near to his house or premises, or having such house fitted up with a bar or other place containing bottles or casks displayed so as to induce a reasonable belief that such house or premises is or are licensed for the sale of any liquor, or that liquor is sold or served therein, or that there is on such premises more liquor than is reasonably required for the persons residing therein, shall be deemed *prima facie* evidence of the unlawful sale of liquor by such person.

**136.** The production of a license which on its face

purports to be duly issued, and which were it duly issued would be a lawful authority to the defendant for such an act of omission, shall be *prima facie* evidence that the defendant is so authorized; and in all cases the signature to and upon any instrument purporting to be a valid license shall *prima facie* be taken to be genuine.

## WITNESSES.

**137.** In any prosecution under this Ordinance the justice or justices trying the case may summon any person represented to him or them as a material witness in relation thereto; and if such person refuses or neglects to attend pursuant to such summons, the justice or justices may issue his or their warrant for the arrest of such person; and he shall thereupon be brought before the justice or justices and if he refuses to be sworn or to affirm, or to answer any question touching the case, he may be committed to the common gaol of the judicial district or to a lock-up, there to remain until he consents to be sworn or to affirm and to answer. The summons may be in the form in Schedule N.

**138.** Any person summoned as a party to, or as a witness in any proceeding under this Ordinance, may, by the summons, be required to produce at the time and place appointed for his attendance, all books and papers accounts, deeds and other documents, including a license, in his possession, custody or control, relating to any matter connected with the said proceeding; and shall be liable to the same penalties for non-production of such books, papers or documents, as he would incur by refusal or neglect to attend pursuant to such summons, or to be sworn, or to answer any question touching the case.

**139.** Every person, other than the defendant, summoned or examined as a witness in any prosecution brought under this Ordinance is bound to answer all questions put to him, and which are pertinent to the issue, notwithstanding that his answer may disclose facts tending to subject him to any penalty imposed by this Ordinance; but such evidence shall not be used against him in any prosecution.

## GENERAL PROVISIONS.

**140.** No member of the Legislative Assembly except he be a licensee shall be a party to any bond to be given under this Ordinance, nor shall he be a party to any petition under this Ordinance.

**141.** All notices required to be given by this Ordinance may be given in such manner as the Commissioners may by regulation direct.

**142.** Any railway company may obtain a special license from the Chief Inspector to sell wine, ale, beer and spirits on any dining car attached to a train upon the line of their railway and shall pay therefor the sum of one hundred dollars to the officer referred to as appointed by the Lieutenant-Governor-in-Council. Such licenses shall expire on the thirtieth day of June in each year.

**143.** This Ordinance shall come into force and take effect on, from and after the first day of May, one thousand eight hundred and ninety-two, nevertheless all proceedings taken and things done under the provisions of sections one to forty-eight, both inclusive, of this Ordinance subsequent to the date on which the Lieutenant-Governor assents to the same but prior to the said first day of May, shall be deemed to be valid and shall have full force and effect for the purposes for which they are taken and done.

(2) For the year one thousand eight hundred and ninety-two :

(a) The words "month of May" where they occur in section eleven shall be read the words "month of April."

(b) For the words "first day of April" where they occur in sections thirteen and fourteen shall be read the words "twentieth day of February."

(c) For the words "fifteenth day of April" where they occur in section fifteen shall be read the words "first day of March."

(d) Licenses may be dated the first day of May, A.D. 1892, and run to the thirtieth day of June, A.D. 1893, the license fee being proportionately increased.

**144.** Police officers, policemen and constables shall have full authority to enforce any of the provisions of this Ordinance.

**145.** In town municipalities, containing a population of three thousand or over, additional " hotel licenses " may be issued to two restaurants, and the Commissioners may dispense with hotel qualifications for that purpose, but the restaurants so licensed shall be subject to the other provisions contained in this Ordinance regarding hotel licenses, and the holders of such licenses shall be subject to the provisions herein contained concerning hotel licenses : Provided that no licenses shall be issued to restaurants where the municipal council has notified the Commissioners against the issue of such licenses.

(2) No such license shall be granted until the premises have been inspected and found to contain a suitable dining room, kitchen and necessary appliances, and until a certificate has been filed with the Inspector, signed by ten resident ratepayers, assessed on the last assessment roll for \$1,200 or upwards, certifying that, in their opinion, said restaurant is desirable for the purpose of providing meals for the public, and the Inspector shall see that meals are furnished for the public during the existence of said license.

**146.** Sections ninety-two to one hundred, both inclusive, of "The North-West Territories Act," chapter 50 of the Revised Statutes of Canada, together with all amendments thereto, in so far as they apply to the Territories comprising the several electoral divisions mentioned in the Schedule to Chapter twenty-two of the Act of the Parliament of Canada, 54-55 Victoria, entitled "An Act to amend the Acts respecting the North-West Territories," are hereby repealed.

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#### SCHEDULE A.

(SECTION 13.)

##### NORTH-WEST TERRITORIES.

##### APPLICATION FOR LIQUOR LICENSE.

I,

of

of the

hereby apply to

the Board of License Commissioners for a renewal of (1) a  
 (2) License to sell intoxicating liquors under  
 the provisions of the Ordinance in that behalf, in the premises known  
 and described in (3) to commence  
 on the day of

A.D. 18

My Post Office address is

(Signature)

(1) If a first application strike out the words in italics. (2) Insert description of License, as Hotel or Wholesale. (3) Here give full description of premises..

### SCHEDULE B.

(SECTION 15.)

**TO THE LICENSE COMMISSIONERS :**

The petition of the undersigned humbly sheweth :

That your petitioner makes application for a license to sell intoxicating liquors in the building occupied by your petitioner at in the electoral division of

Your petitioner hath deposited with the proper officer the sum of ten dollars, the fee payable for such application and produces here-with receipt for same.

(1) (Your petitioner produces also the recommendation of at least ten out of the twenty nearest householders to the said also his own affidavit and the affidavit of two respectable neighbors, to prove his qualification to obtain a license.)

And your petitioner prays that a license may be granted him accordingly.

(1) The words in brackets to be left out where Schedule C not required.

### SCHEDULE C.

(SECTIONS 13, 14, 24 AND 25.)

We, the undersigned hereby severally declare that

is personally known to us, that we are of the twenty householders nearest in a direct line to the wherein the applicant intends to sell intoxicating liquors, as specified in his petition; that we have read or heard read to us the whole of this recommendation before signing it; and we recommend the applicant as a fit and proper person to obtain a license to sell intoxicating liquors in the occupied by the said applicant at in the electoral division of and we consider it for the convenience of the public that a license should be granted to the said applicant.

DISTANCE IN YARDS IN A DIRECT LINE FROM THE PROPOSED LICENSED PREMISES.

I, the undersigned, do certify that all the persons whose names are appended to the within recommendation are personally known to me, and have signed the same in my presence, and that they comprise at least ten of the twenty householders nearest in a direct line to the \_\_\_\_\_ specified in the said recommendation, and the date upon which each person signed the said recommendation is directly set opposite the name of each person respectively.

Dated at \_\_\_\_\_ in the District of \_\_\_\_\_  
 this \_\_\_\_\_ day of \_\_\_\_\_ A.D. 18  
 J.P.  
 r Com., &c.

## SCHEDEULE D.

(SECTION 15.)

I, \_\_\_\_\_ applicant for a license to sell intoxicating liquors make oath and say :

That I am of the full age of twenty-one years ; that I have never been convicted of felony.

SWORN before me at \_\_\_\_\_  
 in the District of \_\_\_\_\_ this {  
 day of \_\_\_\_\_  
 18

A Justice of the Peace, or  
 A Commissioner, &c.

## SCHEDEULE E.

(SECTION 15.)

We, \_\_\_\_\_ and \_\_\_\_\_ do severally make oath and say : That we are neighbors of \_\_\_\_\_ applicant for a license to sell intoxicating liquors that he is personally known to us ; that he is of the full age of twenty-one years ; that he has never been convicted of felony to our knowledge, and that he is a man of good moral character and temperate habits.

SWORN by said  
 and \_\_\_\_\_, before me, {  
 at \_\_\_\_\_ in the District  
 of \_\_\_\_\_ this \_\_\_\_\_  
 day of 18

A Justice of the Peace,  
 or,  
 A Commissioner, etc.

SCHEDULE F.

(SECTIONS 15 AND 47.)

## FORM OF BOND.

BY APPLICANT FOR A HOTEL OR WHOLESALE LICENSE.

Whereas the above bounden obtain a license to keep a liquor in the                  of this obligation is such, that if the said fines and penalties which he may be condemned to pay for any offence against any statute or other provision having the force of law, now or hereafter to be in force relative to such license for the sale of liquor, and does, performs and observes all the requirements thereof, and conforms to all rules and regulations that are or may be established by competent authority in such behalf; then this obligation shall be null and void, otherwise it shall remain in full force, virtue and effect.

Signed, sealed and delivered  
in presence of us.

## SCHEDULE G.

(SECTIONS 9 AND 19.)

## LICENSE.

Whereas District of \_\_\_\_\_ of \_\_\_\_\_ in the has made application for a license to sell intoxicating liquors and it having been made to appear to the Board of License Commissioners that the said \_\_\_\_\_ has complied with the provisions of the Ordinance in that behalf, this is to certify that the said \_\_\_\_\_ is hereby licensed, as provided by law, to sell intoxicating liquors in manner aforesaid, at his said place of business, from the day of 18 until midnight on the day of . Dated this day of . 18

Chief Inspector.

## SCHEDULE H.

(SECTIONS 23, 25 AND 32.)

TO THE LICENSE COMMISSIONERS :

We, the undersigned, do hereby protest against the granting of a license to sell intoxicating liquors, as a to for the following reasons :

NAME.	Distance in yards in a direct line from the proposed licensed premises.	Date of signing.

I, the undersigned  
do certify that all persons whose names are appended to the above

protest are personally known to me and have signed in my presence,  
and that they are comprised within the twenty nearest householders to  
the for which  
has applied for a License in the District of  
and the date upon which each person signed the said protest is directly  
set opposite the name of each person respectively.

Dated at \_\_\_\_\_ in the District of \_\_\_\_\_  
this \_\_\_\_\_ day of \_\_\_\_\_ A.D. 18\_\_\_\_

Justice of the Peace,  
or,  
Commissioner, etc.

SCHEDULE I.

(SECTION 93.)

**NOTICE OF INTERDICTION.**

Regina 18

A. B.,  
of                          in the District  
of                          innkeeper }  
(or grocer as the case may be.) }

SIR,— In pursuance of "The Liquor License Ordinance, 1891-92," you are hereby notified that C.D., of \_\_\_\_\_ in the District of \_\_\_\_\_ laborer (or as the case may be), is interdicted from the use of intoxicating liquors on conviction made by G. and H., two justices of the peace in and for the North-West Territories, bearing date the \_\_\_\_\_ day of \_\_\_\_\_, and you are required to govern yourself accordingly.

You are liable if you give, sell, purchase or procure to, for, or on behalf of such prohibited person, or for his or her use, any liquor, upon conviction to a penalty of not less than \$50, nor more than \$200, and in default of payment to not less than two months nor more than twelve months' imprisonment, and if you are a licensee, forfeiture of license.

That you may be without any excuse in the premises, I herewith enclose a copy of the Ordinance in question.

Your obedient servant,

**Chief Inspector.**

**SCHEDULE J.**

(SECTION 94.)

**NOTICE OF INTERDICTION.**

Take notice that under the provisions of Section 94, I have been required by (here show name and authority of person who has requested notice to be given) to notify you that you are not to directly or indirectly sell, give or deliver, or suffer to be sold, given or delivered to (here insert name and description of person) any intoxicating liquor under a penalty of one hundred dollars and absolute forfeiture of your license.

### **Chief Inspector.**

**SCHEDULE K.**

(SECTION 108.)

## FORMS FOR DESCRIBING OFFENCES.

#### **1. Neglecting to keep license exposed.**

"That X.Y., having a license for sale by wholesale (or a hotel license) on at unlawfully or wilfully (or negligently) omitted to expose the said license in his warehouse (or in the bar-room of his hotel, as the case may be.)

## **2. Sale without license.**

"That X.Y., on the \_\_\_\_\_ day of  
in the year of our Lord one thousand eight hundred and  
at \_\_\_\_\_ in the  
of \_\_\_\_\_ unlawfully did sell liquor without the license  
therefor by law required.

### **3. Keeping liquor without license.**

"That X.Y., on at unlawfully did keep liquor for the purpose of sale, barter therein, without the license therefor by law required." d traffic

**4. Sale of liquor on licensed premises during prohibited hours.**

"That X.Y., on at  
in his premises (or on, or out of, or from his premises) being a place

where liquor may be sold, unlawfully did sell (*or dispose of*) liquor during the time prohibited by "The Liquor License Ordinance, 1891-92," for the sale of the same, without any requisition for medical purposes as required by the said Ordinance being produced by the vendee or his agent."

5. Allowing liquor to be drunk on licensed premises during prohibited hours.

"That X. Y., on at  
in his premises, being a place where liquor may be sold, by retail (*or* wholesale) unlawfully did allow (*or permit*) liquor to be drunk in such place during the time prohibited by "The Liquor License Ordinance, 1891-92," for the sale of the same, by a person other than the licensee, or some member of his family, or a lodger in his house."

6. Sale of less than one quart under wholesale license.

"That X. Y., having a wholesale license, on at unlawfully did sell liquor in less quantity than one half gallon, or one reputed quart bottle, or two reputed pint bottles, (*as the case may be*.)

7. Allowing liquor to be consumed on wholesale premises.

"That X. Y., having a wholesale license, on at unlawfully did allow liquor sold by him (*or in his possession*) and for the sale of which a license is required, to be consumed within his premises (*or within the building of* which his premises forms part, *or within a building which communicates by an entrance with his premises*) by a purchaser of such liquor (*or by a person not usually resident within the building of which such premises forms a part*.)"

8. Illegal sale by druggists.

"That X. Y., being a chemist (*or druggist*) on at unlawfully sell liquor for other than strictly medicinal purposes (*or sell liquor in packages of more than six ounces at one time without a certificate from any registered medical practitioner, or sell liquor without recording the same,*) as required by "The Liquor License Ordinance, 1891-92."

9. Keeping a disorderly house.

"That X. Y., being the keeper of (house of public entertainment) situate in the Town of in the District of on in his said hotel unlawfully did sanction (*or allow*) gambling, (*or riotous or disorderly conduct*) in his said hotel.

10. Harboring constables on duty.

"That X.Y., being licensed to sell liquor at at  
 on on unlawfully and knowingly did harbor (or entertain or suffer to abide and remain on his premises) O.P.,  
 a constable belonging to a police force, during a part of the time appointed for his being on duty, and not for the purpose of quelling a disturbance or restoring order, or executing his duty."

#### 11. Compromising or compounding a prosecution.

"That X.Y., having violated a provision of "The Liquor License Ordinance, 1891-92," on at  
 unlawfully did compromise (or compound, or settle, or offer, or attempt to compromise, compound or settle), the offence with A.B., with the view of preventing any complaint being made in respect thereof (or with the view of getting rid of or of stopping, or of having the complaint made in respect thereof dismissed, *as the case may be.*)"

#### 12. Being concerned in compromising a prosecution.

"That X.Y., on at  
 unlawfully was concerned in (or a party to) a compromise (or a composition, or a settlement) of an offence committed by O.P. against a provision of 'The Liquor License Ordinance, 1891-92.'"

#### 13. Tampering with a witness.

~~egnre~~ "That X.Y., on a certain prosecution under 'The Liquor License Ordinance, 1891-92,' on at  
 unlawfully did tamper with O.P., a witness in such prosecution before (or after) he was summoned (or appeared) as such witness on a trial (or proceeding) under the said Ordinance (or did unlawfully induce, or attempt to induce O.P., a witness in such prosecution, to absent himself, or to swear falsely.)"

#### 14. Refusing to admit policeman.

"That X.Y., on at  
 being in (or having charge of) the premises of O.P., being a place where liquor is sold (or reputed to be sold) unlawfully did refuse (or fail) to admit (or did obstruct or attempt to obstruct) E.F., an officer demanding to enter in the execution of his duty (or did obstruct or attempt to obstruct E.F., an officer making searches in the said premises, and in the premises connected with such place.)"

#### 15. Officer refusing to prosecute.

"That X.Y., being a police officer (or constable, or Inspector of Licenses) in and for the knowing  
 that O.P. had, on at  
 committed an offence against a provision of 'The Liquor License Ordinance, 1891-92,' unlawfully and wilfully did and still does neglect to prosecute the said O.P. for his said offence."

16. Refusing or failing to supply lodging, meals or accommodation to travellers.

"That F.X., being the keeper of an hotel, in respect of which ~~an~~ hotel license has duly issued and is in force, on ~~at~~ unlawfully failed or refused personally (or through someone acting on his behalf) to supply lodgings, meals or accommodation to a traveller as required by "The Liquor License Ordinance, 1891-92."

17. Selling liquor to anyone under sixteen years of age.

"That X.Y., at ~~on~~ unlawfully did sanction *or* allow to be supplied in his licensed premises, by purchase (*or* otherwise) liquor to a person under the age of sixteen years, not being a resident on the premises, or a *bona fide* guest, lodger or travelier."

18. Allowing internal communication between licensed and unlicensed premises.

"That X.Y., at ~~on~~ unlawfully did sanction (*or* allow) to be made or used, an internal communication between his licensed premises and unlicensed premises, which are used for public entertainments and resort, (*or* as a refreshment house.)"

19. Obtaining liquor by false representations.

"That X.Y., at ~~on~~ unlawfully did, by falsely representing himself to be a lodger, buy *or* obtain (*or* attempt to buy or obtain) at ~~liquor~~ during the period during which such premises are required to be closed in pursuance of 'The Liquor License Ordinance, 1891-92.'

## SCHEDULE L.

(SECTION 111.)

### GENERAL FORM OF INFORMATION.

Canada,  
North-West Territories, } THE INFORMATION of A.B., of the  
To Wit :              }              of              in the  
of                      laid upon oath (*or* affirmation) before  
me, C.D., one of Her Majesty's Justices of the Peace in and for the  
North-West Territories, the              day of  
in the year of our Lord one thousand eight hundred and

The said informant says he is informed and believes that X.Y., on the day of , in the year of our Lord one thousand eight hundred and at the in the unlawfully did sell liquor without the license therefor by law required, (or as the case may be.)

A.B

Laid, sworn (or affirmed) and signed before me the day and year, and at the place first above mentioned,

C.D.,  
J.P.

SCHEDULE M

(SECTION III.)

**FORM OF INFORMATION FOR SECOND, THIRD, OR FOURTH OFFENCE.**

Canada,  
North-West Territories, } THE INFORMATION of A.B., of &c., laid  
To Wit : C.D., one of Her Majesty's Justices of  
the Peace in and for the North-West Territories, the  
day of in the year of our Lord one thousand  
eight hundred and

The said informant says he is informed and believes that X.Y.,  
on [describe last offence.]  
at

And further that the said X.Y. was previously, to wit . on the  
day of A.D. 18 , at the  
of before E.F.  
and G.H., two of Her Majesty's Justices of the Peace in and for the  
North West Territories, duly convicted of having on the  
day of 18 at the of  
in the of  
unlawfully sold liquor without the license therefor required by law (or  
~~the case may be.~~)

And further that the said X. Y., was previously, to wit: on the  
day of A.D. 18, at the  
of in the of  
before, &c. [as in preceding paragraph] again duly  
convicted of having, on the day of  
A.D. 18, at the of in the  
of having a wholesale  
license, unlawfully allowed liquor to be consumed within a building  
which communicates by an entrance within his premises, by a person  
not usually resident within the building of which such premises form a  
part (or as the case may be.)

And further that the said X.Y., was previously, to wit: on the day of A.D. 18, in the of before, &c., [see above], again duly convicted of having, on the day of A.D. 18, in the of (being in charge of the premises of O.P., a place where liquor was reputed to be sold) unlawfully failed to admit E.F., an officer demanding to enter in the execution of his duty (*or as the case may be*)

And the informant says the offence hereinbefore firstly charged against the said X.Y., is his fourth (*or as the case may be*) offence against "The Liquor License Ordinance, 1891-92."

## A.B.

Laid, sworn (*or affirmed*) and signed before me the day and year, and at the place first above mentioned,

C.D.,  
J.P.

## SCHEDULE N.

(SECTION 137.)

## SUMMONS TO WITNESS.

Canada,  
North-West Territories, }  
To Wit:

To J.K.. of the of in the  
of

Whereas, information has been laid before me, C.D., one of Her Majesty's Justices of the Peace in and for the North West Territories, that X.Y., being a druggist, on the day of A.D. 18, at the of unlawfully did sell liquor for other than strictly medicinal purposes (*or as the case may be*), and it has been made to appear to me that you are likely to give material evidence on behalf of the prosecution in this matter.

These are to require you, under pain of imprisonment in the common gaol, personally to be and appear on the day of A.D. 18, o'clock in the noon, at the in the of before me or such Justice or Justices of the Peace as may then be there, and until

duly discharged to testify what you shall know in the premises (and also to bring with you and there and then to produce all and every invoices, day books, cash books, or ledgers, and receipts, promissory notes or other security relating to the purchase or sale, or sale of liquor by the said X. Y., and all other books and papers, accounts, deeds and other documents in your possession, custody or control, relating to any matter connected with the said prosecution.

Given under my hand and seal this  
A.D. 18<sup>th</sup>, at the  
in the<sup>th</sup> of

day of  
of

C.D.,  
J.P. . [L.S]

**SCHEDULE Q.**

**FORM OF CONVICTION FOR FIRST OFFENCE.**

Canada,  
North-West Territories, }  
To Wit : }

BE IT REMEMBERED that on the day of  
in the year of our Lord one thousand eight  
hundred and of  
in the X.Y., is convicted before  
us, E.F. and G.H., two of Her Majesty's Justices of the Peace in and  
for the North-West Territories, for that he, the said X.Y., on the  
day of in the year of our  
Lord one thousand eight hundred and at the  
of in the  
in his premises, being a place where liquor may be sold, unlawfully  
did sell liquor during the time prohibited by "The Liquor License  
Ordinance, 1891-92," for the sale of the same, without any requisition  
for medicinal purposes, as required by the said Ordinance, being pro-  
duced by the vendee or his agent (*or as the case may be*). A.B. being in-  
formant, and we adjudge said X.Y., for his said offence, to  
forfeit and pay the sum of dollars, to be paid and  
applied according to law, and also to pay to the said A.B. the sum of  
dollars for his costs in this behalf, and if the said  
several sums be not paid forthwith, then\* we order the said  
sums to be levied by distress and sale of the goods and chattels of the  
said X.Y., and in default of sufficient distress in that behalf\* [*or where*  
*the issuing of a distress warrant would be ruinous to the defendant and his*  
*family, or it appears that he has no goods whereon to levy a distress, then*  
*instead of the words between the astericks\** say, "inasmuch as it has now  
been made to appear to us that the issuing of a warrant of dis-  
tress in this behalf would be ruinous to the said X.Y. and his family,"  
or "that the said X.Y. has no goods or chattels wherein to levy the

said several sums by distress,"] we adjudge the said X.Y. to be imprisoned in the common gaol at the Judicial District of in the said

and there to be kept for the space of unless the said sums and the costs and charges of conveying the said X.Y. to the said common gaol shall be sooner paid.

Given under our hands and seals the day and year first above mentioned, at the o  
in the aforesaid.

C.D.,	[L.S.]
J.P.	
E. F.,	[L.S.]
J.P.,	

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### SCHEDULE P.

#### FORM OF CONVICTION FOR A THIRD OFFENCE.

Canada,  
North-West Territories, }  
To Wit :

BE IT REMEMBERED that on the day of  
hundred and in the year of our Lord one thousand eight  
in the of X.Y. is convicted before the undersigned  
C.D. and E.F., two of Her Majesty's Justices of the Peace in and for  
the said Territories, for that he, the said X.Y., on the  
day of in the year of our Lord one thousand  
eight hundred and at  
(or of ) in the said (as  
the case may be), having violated a provision of "The Liquor License  
Ordinance, 1891-92," unlawfully did attempt to settle the offence with  
A.B., with the view of having the complaint made in respect thereof  
dismissed (or as the case may be). And it appearing to us that  
the said X.Y. was previously, to wit : on the day of  
A.D. 18 , at the of  
before, etc., duly convicted of having on the  
day of A.D. 18 , at the  
of unlawfully sold liquor without the license  
therefor by law required (or as the case may be). And it also appearing  
to us that the said X.Y. was previously, to wit : on the  
day of A.D. 18 , at the  
of before, etc., (see above)  
again duly convicted of having on the day of  
A.D. 18 , at the  
being the keeper of licensed premises situate in the said  
of unlawfully allowed gambling in his said  
licensed premises (or as the case may be.)

We adjudged the offence of the said X.Y., hereinbefore firstly mentioned, to be his third offence against "The Liquor License Ordinance, 1891-92," (A.B. being the informant) and we adjudged the said X.Y. for his third offence to be imprisoned in the common gaol of the said of at in the said of there to be kept at hard labor for the space of three calendar months (*or as the case may be*).

Given under our hands and seals the day and year first  
above mentioned, at in the  
of C. D. [L.S.]  
E. F. [L.S.]

**SCHEDULE Q.**

**WARRANT OF COMMITMENT FOR FIRST OFFENCE WHERE A PENALTY IS  
IMPOSED**

To all or any of the Constables and other  
Peace Officers in the  
of and the Keeper of  
the Common Gaol of the said  
at in the  
Judicial District of

Canada,  
North-West Territories,  
To Wit : } }

Whereas, X.Y., late of the \_\_\_\_\_ of \_\_\_\_\_  
in the said \_\_\_\_\_ was on this day convicted before the \_\_\_\_\_  
undersigned, C.D. and E.F., two of Her Majesty's Justices of the \_\_\_\_\_  
Peace in and for the \_\_\_\_\_ of \_\_\_\_\_ or,  
for that he, the said X.Y., on \_\_\_\_\_ at \_\_\_\_\_  
unlawfully did sell liquor without the license therefor by law required  
*(state offence as in the conviction)*, (A.B. being the informant), and it was  
thereby adjudged that the said X.Y., for his said offence, should for-  
feit and pay the sum of \_\_\_\_\_ *(as in conviction)* and  
should pay to the said A.B. the sum of \_\_\_\_\_ for his  
costs in that behalf.

And it was thereby further adjudged that if the said several sums should not be paid forthwith, the said X.Y. should be imprisoned in the Common Gaol of the Judicial District at in the said Territories, there to be kept at hard labor for the space of unless the said several sums and the costs and charges of conveying the said X.Y. to the said Common Gaol should be sooner paid.

And whereas, the said X. Y. has not paid the said several sums, or  
any part thereof, although the time for payment thereof has elapsed

[If a distress warrant issued and was returned no goods, or not sufficient goods, say, "And whereas, afterwards, on the day of A.D. 18 we, the said Justices, issued a warrant to the said Constable or Peace Officer, or any of them, to levy the said several sums of of and by distress and sale of the goods and chattels of the said X. Y.]

" And whereas, it appears to us as well, by the return of the said warrant of distress by the Constable who had the execution of the same or otherwise, that the said Constable has made diligent search for the goods and chattels of the said X. Y., but that no sufficient distress whereon to levy the said sums could be found." ]

[Or where the issuing of a distress warrant would be ruinous to the defendant and his family, or if it appears that he has no goods whereon to levy a distress then instead of the foregoing recitals of the issue and return of the distress warrant, etc., say:

" And whereas, it has been made to appear to us that the issuing of a warrant of distress in this behalf would be ruinous to the said X. Y. and his family," or "That the said X. Y. has no goods or chattels whereon to levy the said sums by distress," (as the case may be.) ]

These are therefore to command you, the said Constables or Peace Officers, or any of you, to take the said X. Y. and him safely convey to the Common Gaol aforesaid at in the of and there deliver him to the said Keeper thereof, together with this precept.

And we do hereby command you, the said Keeper of the said Common Gaol, to receive the said X. Y. into your custody in the said Common Gaol, there to imprison him and keep him for the space of unless the said several sums and all the costs and charges of the said distress, amounting to the sum of , and of the commitment and conveying of the said X. Y. to the said Common Gaol, amounting to the further sum of shall be sooner paid unto you, the said Keeper, and for so doing this shall be your sufficient warrant.

Given under our hands and seals this  
A. D. 18 , at

day of

C. D.  
E. F.

{L. S.  
L. S.}

## SCHEDULE R.

(SECTION 81.)

FORM OF DECLARATION OF FORFEITURE AND OF ORDER TO DESTROY  
LIQUOR SEIZED.*If in conviction, after adjudging penalty or imprisonment, proceed thus:*

"And we declare the said liquor and vessels in which the same is kept, to wit: two barrels containing beer, three jars containing whiskey, two bottles containing gin, four kegs containing lager beer, and five bottles containing native wine (*or as the case may be*) to be forfeited to Her Majesty, and we do hereby order and direct that T.D., License Inspector of the \_\_\_\_\_ of \_\_\_\_\_ (or J.P.W., License Inspector of the \_\_\_\_\_ of \_\_\_\_\_) do forthwith destroy the said liquor and vessels."

Given under our hands and seals the day and year first above mentioned, at, etc.

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*If by separate or subsequent order:*

Canada,  
North-West Territories, }  
To Wit :

We, E.F. and G.H., two of Her Majesty's Justices of the Peace in and for the North-West Territories, having on the \_\_\_\_\_ day of \_\_\_\_\_ one thousand eight hundred and \_\_\_\_\_ at the \_\_\_\_\_ of \_\_\_\_\_ in the said North-West Territories, duly convicted X.Y. of having unlawfully kept liquor for sale without a license, do hereby declare the said liquor and vessels in which the same is kept, to wit: (*describe the same as above*) to be forfeited to Her Majesty, and we do hereby order and direct that J. P. W., License Inspector of the \_\_\_\_\_ of the said do forthwith destroy the said liquor and vessels.

Given under our hands and seals this \_\_\_\_\_ day of \_\_\_\_\_ in the \_\_\_\_\_  
said at the \_\_\_\_\_ of \_\_\_\_\_  
E.F. [L.S.]  
G.H. [L.S.]

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## NO. 19 OF 1891-92.

AN ORDINANCE RESPECTING BENEVOLENT,  
PROVIDENT AND OTHER SOCIETIES.

[Assented to January 25th, 1892.]

The Lieutenant-Governor, by and with the advice and consent of the Legislative Assembly of the Territories, enacts as follows:—

1. Any five or more persons, of full age, may become incorporated under this Ordinance for any benevolent or provident purpose, or for any other purpose not illegal, save and except the purpose of trade or business, and any purpose provided for by any of the Ordinances mentioned in the Schedule to this Ordinance.

2. The proceedings to obtain incorporation shall be as follows:—

(1) Such persons shall make and sign a declaration in writing setting forth the intended corporate name of the society, the purpose of the society, the names of those who are to be the first trustees or managing officers, the mode in which their successors are to be appointed, and such other particulars and provisions as the society may think fit, provided that the said particulars and provisions are not contrary to law.

(2) The declaration may be made and signed in duplicate, or in as many parts as may be required.

(3) The said declaration may be produced to any Judge of the Supreme Court of the North-West Territories, and if the same appears to him to be in conformity with this Ordinance, he shall endorse thereon a certificate to that effect.

(4) One of the original parts of the declaration shall be filed in the office of the Registrar of the said Supreme Court at Regina and the fee of fifty cents shall accompany such filing.

(5) When these directions shall have been complied with, the persons who signed the declaration shall thereby become, and they, their associates and successors, shall thenceforward be a body corporate and politic, and shall have the powers, rights and immunities vested by law in such bodies.

3. The society so incorporated may from time to time have or establish and maintain any number of branches thereof to promote the objects of the society.

4. The society may from time to time appoint trustees, treasurer, a secretary and other officers, for conducting its affairs, and for the discipline and management of the society; and may from time to time make by-laws, rules and regulations for the government and for conducting the affairs of the society, or of any branches thereof; and may from time to time alter or rescind such by-laws, rules or regulations.

5. Any two or more societies or branches of a society may unite and form one society, or branch, for the purpose of erecting buildings for the use of the societies or branches, and if they so desire for other purposes, on such terms as may be agreed upon, by authority of a resolution assented to by a majority of the members of each of the said societies or branches proposed to be united; provided that every such resolution is passed at a general meeting of each of the societies or branches concerned in such union, to be specially called for that purpose.

6. A person under the age of twenty-one years, elected or admitted as a member of a society, or appointed to any office therein, shall be liable to the payment of fees and otherwise under the rules of the society as if he were of full age.

7. When under the rules of a society money becomes payable to, or for the use or benefit of, a member thereof, such money shall be free from all claims by the creditors of such member; and when on the death of a member of a society, any sum of money becomes payable under the rules of the society, the same shall be paid by the treasurer or

other officer of the society to the person or persons entitled under the rules thereof, or shall be applied by the society as may be provided by such rules ; and such money shall be, to the extent of \$2,000, free from all claims by the personal representative or creditors of the deceased ; and in case any sum is paid in good faith to the person who appears to the treasurer or other officer to be entitled to receive the same, or is applied in good faith for the purposes by the rules provided, no action shall be brought against such treasurer or other officer of the society in respect thereof ; but, nevertheless, if it subsequently appears that such money has been paid to the wrong person, the person entitled thereto may recover the amount with interest from the person who has wrongfully received it.

8. No society or branch incorporated under this Ordinance shall be entitled to acquire or hold, as purchasers or otherwise, any lands or tenements, or any interests therein, exceeding in the whole at any one time the annual value of five thousand dollars, nor shall the society or branch be entitled to purchase land, except for the actual use and occupation of the society, for the purposes of the society.

9. Any such society or branch may from time to time take by gift, devise or bequest, any lands or tenements or any interests therein, provided such gift, devise or bequest is made at least six months before the death of the person making the same ; but the society or branch shall at no time take by gift, devise or bequest, lands or tenements or any interests therein, the annual value of which, together with that of all other lands and tenements theretofore acquired by like means and then held by the society or branch, exceeds in the whole one thousand dollars ; nor shall the society or branch at any time take, by gift, devise or bequest, lands, tenements or hereditaments the annual value of which, together with all the other real estate of the society or branch, exceeds five thousand dollars ; and no lands or tenements acquired by gifts, devise or bequest, within the limits aforesaid, but not required for the actual use or occupation of the society or branch, shall be held by the society or branch, for a longer period than seven years after the acquisition thereof, and within such period the same shall be absolutely disposed of by the society or branch ; and the society or branch shall have power within

such period, in the name of the society or branch, to grant and convey the said lands or tenements to any purchaser so that the society or branch no longer retains any interest therein ; and the proceeds on such disposition shall be invested in public securities, municipal debentures or other approved securities, not including mortgages on land, for the use of the society or branch ; and any lands, tenements, or interests therein required by this Ordinance to be sold and disposed of by the society or branch but which have not, within the said period, been so disposed of, shall revert to the person from whom the same were acquired, his heirs, executors, administrators, or assigns.

**10.** Any society may, in pursuance of a resolution assented to by a majority of the members present at a general meeting specially called for that purpose, of which public notice shall be given in the manner provided by the by-laws, mortgage, sell, exchange or lease any lands of the society.

**11.** A copy of the declaration, under the second Section of this Ordinance, certified by the Registrar of the said Supreme Court, or his deputy, to be a true copy, shall be *prima facie* evidence of the facts alleged in the declaration, and of the due making, signing and filing of the declaration as mentioned in the certificate ; and a copy of the declaration, with a certificate of the said Registrar, or his deputy, showing the particulars necessary for creating a corporation under this Ordinance shall be *prima facie* evidence that the society or branch is an incorporated society or branch under this Ordinance.

**12.** No defect of form in the certificate of the Judge, or in the proceedings to which the certificate of the Judge relates, shall effect the validity of the incorporation.

**13.** To facilitate the proof of a society or branch being an incorporated society or branch under this Ordinance, and to prevent any future question as to the same, the society or branch, after the same has become incorporated as aforesaid, shall be entitled (if the society or branch thinks fit) to receive a certificate of such incorporation in manner hereinafter mentioned ; and the certificate so obtained shall be final and conclusive evidence of the society or branch being

an incorporation under this Ordinance unless the certificate, or the order or decision of the Court granting or authorizing the same is reversed or set aside by some direct proceeding taken for the purpose ; and the proceedings for the purpose of obtaining the certificate may be as follows :--

(1) The application for the certificate may be made by the society or branch to a Judge of the Supreme Court of the North-West Territories.

(2) The application shall be supported by satisfactory evidence that the society or branch is a society or branch within the true intent and meaning of this Ordinance ; that the proceedings necessary for incorporation have been duly taken ; that four weeks' notice of the intention to apply for a certificate has been given to the Lieutenant-Governor of the Territories ; and that a like notice has been published for four weeks in the North-West Territories Gazette ; and if the Judge is not satisfied with the evidence offered of these particulars in the first instance, the Judge, instead of dismissing the application, may give an opportunity or opportunities for producing further evidence ; and if there is any defect in the proceedings taken to obtain incorporation, the Judge may permit the same to be supplied, and the Judge may, in all cases, require from time to time any further publication to take place, and any other notice to be mailed, served, or given, which the Judge deems necessary.

(3) When the Judge is satisfied that the society or branch is entitled to the certificate, the certificate may be issued by the Clerk of the Court of the Judicial District in which the application is made in duplicate (under his hand and the seal of the Court) or in as many parts as may be required, and the same shall name the day from and at which the incorporation was complete and effectual ; and any person shall thereafter be entitled to receive a certificate to the same effect, sealed and signed as aforesaid ; which certificate or counterpart thereof shall be final and conclusive, as hereinbefore mentioned.

(4) The Judges of the Supreme Court of the North-West Territories shall have power to regulate the practice and costs in such cases.

**14.** It shall be the duty of the corporation, when thereunto required by the Lieutenant-Governor-in-Council, or by the Legislative Assembly, to furnish a statement of the real property, and of the estates therein held by the society, and to give such details thereof as the Lieutenant-Governor or the Legislative Assembly may from time to time require.

**15.** When a society, incorporated under the provisions of this Ordinance, is desirous of changing its name, or of changing any of the purposes contained in the original certificate or declaration of incorporation, a Judge of the Supreme Court, upon being satisfied that the change desired is not for an improper purpose, and is not otherwise objectionable, may make an order reciting the certificate and declaration of incorporation and making the change desired.

(2) Such order shall be filed in the office in which the certificate and declaration were filed, and a copy of the order, certified by the Registrar of the Supreme Court at Regina, or his deputy, to be a true copy of the order filed in the said office shall be *prima facie* evidence of the change having been made as therein set forth.

(3) No change under the next preceding two sub-sections shall affect the rights or obligations of the society, and all actions or proceedings commenced by or against the society prior to the change of name may be proceeded with by or against the society under its former name.

**16.** In case the Lieutenant-Governor-in-Council adopts or approves of any forms for any of the proceedings under this Ordinance, and the order adopting or approving of the same is, with the forms, printed in the North-West Territories Gazette, the same forms shall be as effectual for the purposes mentioned in this Ordinance, or in the Order-in-Council, as if the said forms had been inserted in this Ordinance.

## NO. 21 OF 1891-92.

AN ORDINANCE FOR PROTECTING THE PUBLIC  
INTEREST IN RIVERS, CREEKS AND STREAMS.

[Assented to January 25th, 1892.]

The Lieutenant-Governor, by and with the advice and consent of the Legislative Assembly of the Territories, enacts as follows:—

1. All persons shall, subject to the provisions in this Ordinance contained, have during the spring, summer and autumn freshets, the right to, and may float and transmit saw-logs and all other timber of every kind, and all rafts and crafts down

**14.** It shall be the duty of the corporation, when thereunto required by the Lieutenant-Governor-in-Council, or by the Legislative Assembly, to furnish a statement of the real property, and of the estates therein held by the society, and to give such details thereof as the Lieutenant-Governor or the Legislative Assembly may from time to time require.

**15.** When a society, incorporated under the provisions of this Ordinance, is desirous of changing its name, or of changing any of the purposes contained in the original certificate or declaration of incorporation, a Judge of the Supreme Court, upon being satisfied that the change desired is not for an improper purpose, and is not otherwise objectionable, may make an order reciting the certificate and declaration of incorporation and making the change desired.

**1.** Section 218 of Chapter 58 of The Revised Ordinances, 1888, entitled "The Judicature Ordinance" is hereby amended by inserting after the words "out of Her Majesty's Dominions," where they there occur, the words "or before a Judge of a Court of Record or a Notary Public under his hand and seal."

**2.** The form of garnishee summons in the Appendix to the said Ordinance is hereby amended by adding after the words "plaintiff's claim," where they there occur, the words "and costs."

**3.** Section 3 of Ordinance No. 21 of 1890, entitled "An Ordinance to further amend The Judicature Ordinance" is hereby amended by striking out the words "except in cases of claims for board and lodging or either," and substituting therefor the following :—"Except in cases of claims for board and lodging, or either, and claims for groceries, provisions, clothing, crockery, glassware, boots and shoes, dry goods, stoves, kitchen utensils and fuel supplied to such mechanic, laborer, servant or employee, or his family."

## NO. 21 OF 1891-92.

AN ORDINANCE FOR PROTECTING THE PUBLIC  
INTEREST IN RIVERS, CREEKS AND STREAMS.

[Assented to January 25th, 1892.]

The Lieutenant-Governor, by and with the advice and consent of the Legislative Assembly of the Territories, enacts as follows:—

1. All persons shall, subject to the provisions in this Ordinance contained, have during the spring, summer and autumn freshets, the right to, and may float and transmit saw-logs and all other timber of every kind, and all rafts and crafts down all rivers, creeks and streams; and no person shall, by felling trees or placing any other obstruction in or across any such river, creek or stream, prevent the passage thereof; and in case it may be necessary to remove any obstruction from such river, creek or stream, or construct any apron, dam, slide, gate-lock, boom or other work therein or thereon, necessary to facilitate the floating and transmitting such saw-logs and other timber, rafts or crafts, down the same, then it shall be lawful for the person requiring so to float and transmit such saw-logs and other timber, rafts and crafts, and to remove such obstruction, and to construct such apron, dam, slide, gate-lock, boom or other work necessary for the purposes aforesaid, doing no unnecessary damage to the said river, creek or stream, or to the banks thereof.

2. In case there is a convenient apron, slide, gate-lock or opening in any such dam or other such structure made for the passage of saw-logs and other timber, rafts and crafts authorized to be floated down such stream as aforesaid, no person using any such stream in manner and for the purposes aforesaid, shall alter, injure or destroy any such dam or other useful erection in or upon the bed of or across the stream, or do any unnecessary damage thereto or on the banks thereof.

3. Except in the case of round or squared timber, or of trees, masts, staves, deals, boards or other sawed or manufac-

tured lumber or saw-logs, prepared for transportation to a market, every person and every employer of such person, who cuts and fells any trees into the rivers, creeks, and streams of the North-West Territories, or upon such parts of the banks thereof as are usually overflowed in the autumn or spring of the year by the rising of the waters of the said rivers, creeks or streams, and who does not top off the branches of such trees and cut up the trunks thereof into lengths suitable for saw-logs, before they are allowed to be floated or cast into the said rivers, creeks or streams, shall for every such offence forfeit and pay a penalty not exceeding ten dollars.

**4.** All fines, penalties, forfeitures and damages under this Ordinance when not together exceeding twenty dollars may respectively, upon the oath of one credible witness, be recovered with costs in a summary way before any one or more of the Justices of the Peace for the North-West Territories, and unless the conviction is appealed from, if the fine or penalty and damages (as the case may be), together with the costs, are not paid at the time stated in the conviction, the convicting Justice or Justices, or one of them, when more than one, shall issue his or their warrant of distress to levy the same out of the goods and chattels of the offender, and in case there are not sufficient goods and chattels found to satisfy the same, and in case the offender does not otherwise satisfy the same within three days of the conviction then such Justice or Justices, as the case may be, shall by warrant under hand and seal commit the offender to the common jail of the Judicial District, or if there be no such jail to the nearest lock-up of the North-West Mounted Police Force, for the term of ten days, unless the fine, penalty, or damages (as the case may be) and costs are not sooner paid.

**5.** The pecuniary penalties levied under this Ordinance shall be paid to the General Revenue Fund of the North-West Territories.

**6.** In case of damage to private property arising out of a violation of this Ordinance, such damages may, at the request of the parties aggrieved, be assessed by the convicting Justice or Justices, and included in the conviction, when

such damages together with the fine or penalty imposed do not together exceed twenty dollars, and in case damages are assessed the same shall be paid to the party aggrieved, except in cases where he has been examined in proof of the offence, in which case the same shall be paid to the General Revenue Fund of the North-West Territories.

7. In case any person shall construct in or upon such river, creek or stream, any apron, dam, slide, gate-lock, boom, or other work necessary to facilitate the floating or transmission of saw-logs or other timber, rafts or crafts down such river, creek or stream, which was not navigable or floatable before the improvements were made, or are calculated to assist the more rapid transit of such saw-logs or other timber, raft or crafts, such person shall not have the exclusive right to the use of the river, creek or stream, or to the constructions and improvements; but all persons shall have during the spring, summer and autumn freshets the right to float and transmit saw-logs and other timber, rafts and crafts, down such rivers, creeks or streams, and through and over constructions and improvements, doing no unnecessary damage to the constructions and improvements or to the banks of the said rivers, creeks or streams, subject to the payment to the person, who has made the constructions and improvements, of reasonable tolls.

8. Sections 1 and 7 of this Ordinance and all rights therein given, and all provisions therein contained and made, shall apply to all rivers, creeks and streams in the North-West Territories, and to all constructions and improvements made therein and thereon, whether the bed of the river, creek or stream, or the land through which the same runs, has been granted by the Crown or not, and if granted by the Crown shall be binding on the grantees, their heirs, executors, administrators or assigns.

9. The Judge of the Judicial District, in which the constructions or improvements are situated, shall, upon the application of the owner thereof, or of any person who may desire to use the same, fix the amounts which any person entitled to tolls under this Ordinance shall be at liberty to charge and may, from time to time, vary such amounts; and the Judge in fixing the tolls shall have regard to and take into consideration the original cost, as well as such other

matters as under all the circumstances may seem just and equitable.

**10.** The Judge shall have the same and like powers as to compelling the attendance and examination of witnesses, the production of documents and otherwise as are possessed by him in any cause, action, matter or other proceeding carried on or pending in the Court of the Judicial District.

**11.** In case any person is dissatisfied with the order or judgment of the Judge, he may within fifteen days from the date thereof appeal from the order or judgment to the Supreme Court at its next session at Regina.

**12.** If the appeal is not set down to be heard within the time limited for that purpose by the foregoing Section of this Ordinance, the appeal shall be deemed to have been abandoned.

**13.** The costs of the appeal shall be in the discretion of the Court to which the appeal is had, and the practice and proceedings upon the appeal shall, except so far as may be by the Judges to whom the appeal is made otherwise provided, be similar to the practice and proceedings upon appeals from Courts of the Judicial Districts of the North-West Territories.

**14.** The foregoing provisions of this Ordinance shall apply to all such constructions and improvements as may hitherto have been made, as well as to such as may be in course of construction, or shall hereafter be constructed.

**15.** Every person entitled to tolls under this Ordinance shall have a lien upon the saw-logs or other timber passing through or over such constructions or improvements for the amount of the tolls, such lien to rank next after the lien (if any) which the Crown has for dues in respect to such logs or timber, and if the tolls are not paid, any Justice of the Peace, having jurisdiction in the North-West Territories, shall upon the oath of the owner of such constructions or improvements, or of his agent, that the just tolls have not been paid, issue a warrant for the seizure of such logs or timber, or so much thereof as will be sufficient to satisfy the tolls, which warrant shall be directed to any constable, or

any person sworn in as a special constable for that purpose, at the discretion of the Justice of the Peace, and shall authorize the person to whom it is directed, if the tolls are not paid within fourteen days from the date thereof, to sell, subject to the lien of the Crown (if any) for dues, the said logs or timber, and out of the proceeds to pay such tolls, together with the cost of the warrant and sale, rendering the surplus on demand to the owner: Provided always that the authority to issue such warrant by said Justice of the Peace shall not exist after the expiration of one month from the time of the passage of the logs or timber through or over any of such constructions or improvements.

**16.** Nothing in this Ordinance contained shall be construed as interfering with the power or rights of any Company formed under the Act of the Dominion of Canada respecting the incorporation of Joint Stock Companies by letters patent, or under any Ordinance of the Territories.

**17.** All persons driving saw-logs or other timber, rafts or crafts, down any such river, creek or stream, shall have the right to go along the banks of such river, creek or stream, and to assist the passage of the timber over the same by all means usual amongst lumbermen, doing no unnecessary damage to the banks of the river, creek or stream.

**18.** Every person entitled to tolls under this Ordinance may make rules and regulations for the purpose of regulating the safe and orderly transmission of saw-logs, timber, rafts and crafts over or through such constructions or improvements; but no such rules and regulations shall have any force or effect until approved of by the Lieutenant-Governor - in - Council, and the Lieutenant - Governor - in - Council may revoke and cancel such rules and regulations so made and approved and, from time to time, approve of new rules and regulations which the persons, so entitled to tolls as aforesaid, shall have the power to make.

*Chapter 51.*

NO. 22 OF 1891-92.

## AN ORDINANCE RESPECTING CHEMISTS AND DRUGGISTS.

[Assented to January 25th, 1892.]

The Lieutenant-Governor, by and with the advice and consent of the Legislative Assembly of the Territories, enacts as follows:—

1. This Ordinance may be cited as "The Pharmaceutical Association Ordinance."

2. The following persons, that is to say, all persons being at the date of the passing of this Ordinance or who have been in actual practice on their own behalf of the profession of Chemists and Druggists or dispensing Chemists or Apothecaries, in the North-West Territories, shall form the Pharmaceutical Association of the North-West Territories and shall be held to be registered as such from such date.

3. The Association is hereby incorporated under the name and style of "The Pharmaceutical Association of the North-West Territories," and the said Association shall be deemed to be a body politic and corporate, with power to sue or be sued and acquire, sell, transfer and deal with real and personal property, and every person who may be registered hereafter under the provisions hereof shall be a member of the said Association.

4. Every candidate for examination shall produce evidence that he has served at least four years in a drug store, and shall pass an examination which shall embrace Chemistry, Pharmacy, Botany, Materia Medica, reading and translating prescriptions, and practical dispensing; and after passing this examination and producing the required certificates, shall be registered a "Pharmaceutical Chemist."

5. The examination referred to shall take place and be regulated by such rules and regulations as may be in force at the time such examination is held; and all candidates for the same shall pay such fees as may be imposed by any such rules or by-laws.

5. ~~6.~~ There shall be general meetings of the said Association held from time to time as hereafter mentioned ; and there shall also be a Council to direct and manage the affairs of the said corporation ; and the said general meetings and the Council shall have the entire direction and management of the said corporation in the manner and subject to the regulations hereinafter mentioned ; and at all general meetings and meetings of the Council the majority of the members present and having a right to vote thereat respectively shall decide upon the matters propounded to such meetings—the person presiding, in case of an equality of votes, to have the casting vote.

6. ~~7.~~ The Council of the Association shall be composed of not more than five members, to be elected in accordance with the provisions hereinafter contained.

7. ~~8.~~ The members of such Council shall be elected or appointed, as the case may be, for the period of two years, but any member may resign his appointment at any time by letter addressed to the President or to the Registrar of the Council ; and upon the death, resignation or removal of any member of the Council, it shall be lawful for the Council to elect and appoint some other person, being a member of the Association, to supply the vacancy so made ; and the person so appointed shall be taken in all respects, as regards his duration of office, to represent the person in whose stead he has been appointed.

8. ~~9.~~ It shall be lawful for the members of the Association to hold general meetings once in the year, and also such special meetings as the Council may from time to time think proper ; the annual general meeting shall be held on the third Tuesday in the month of June in each year, or such other day near thereto as shall be determined by the Council ; and further, upon the recommendation in writing of six members of the Association entitled to vote, requesting the Council to convene a special general meeting of the Association for the purpose specified in the requisition, such meeting shall be convened by the President within such reasonable time as the Council shall see fit—they first giving such notice thereof as may be required by the by-laws of the corporation, and the purpose for which the same is convened.

9. **10.** The first election shall take place on a day fixed by proclamation of His Honor the Lieutenant-Governor, and the persons entitled to vote at such first election shall be, as to the first election, the persons who at the time of mailing the voting papers in the manner hereinafter provided accompany such voting paper with a statutory declaration to the effect that they are entitled under the provisions of this Ordinance to be considered as registered members of the Pharmaceutical Association of the North-West Territories; and the persons qualified to vote at every subsequent election shall be such persons as are at that time members of the Association and the time, place and manner of such subsequent election shall be as laid down by the by-laws of the Corporation subject to the provisions of this Ordinance.

10. **11.** No person shall be eligible to be elected a member of the Council at the first election unless he be entitled under the provisions of this Ordinance to be a registered member of the Association and no person shall be eligible to be elected a member of the Council at subsequent elections unless he be registered in pursuance of this Ordinance.

11. **12.** The charge and conduct of the first election shall be under the management of the Clerk of the Legislative Assembly of the North-West Territories for the time being, and of subsequent elections under the management of the Registrar of the Council.

12. **13.** Every person entitled to vote may vote for five persons.

13. **14.** Such votes shall be given by closed voting papers, to be obtained from any member of the Legislative Assembly as to the first election and as to any subsequent election from the Registrar prior to the day of the election, in the form of the first Schedule of this Ordinance or to the like effect, signed by the voter and delivered, as to the first election, to the said Clerk of the Legislative Assembly on any day in the month preceding the day of election and as to subsequent elections to the Registrar of said Council on any of the twenty days preceding the day of election. Any voting papers delivered to the said Clerk of the Legislative

Assembly or Registrar, as the case may be, by post, during the respective times aforesaid, shall be deemed delivered to him.

15. The said Clerk of the Legislative Assembly, shall, on the Tuesday following the day of the first election, at the hour of 12 o'clock, noon, at his office, at the Government buildings, and in the presence of such persons registered, or entitled to be registered under this Ordinance, as choose to attend, scrutinize and count the votes and keep a record thereof.

16. The five persons, who have the highest number of votes at the first election, shall hold office for one year; and those elected at all subsequent elections shall be the members of the Council for the two years following the date of such election and until their successors are appointed.

17. Any person, entitled to vote at any election, shall be entitled to be present at the opening of the voting papers at such election.

18. In case of an equality of votes between two or more persons, which leaves the election of one or more of the members of the Council undecided, then as to the first election, the Clerk of the Legislative Assembly, and as to subsequent elections, the Registrar, in presence of the scrutineers, shall forthwith put into a box a number of papers with the names of the candidates having such equality of votes written thereon, one for each candidate, and the Clerk of the Legislative Assembly as to the first election, and the Registrar of the Council, in the presence of the scrutineers, as to subsequent elections, shall draw by chance from such ballot box one or more of such ballot papers, sufficient to make up the required number, and the persons whose names are upon such papers so drawn shall be such members.

19. The Council of the said Corporation for the time being shall, at their first meeting after the election of the Council, elect from among their members a President, a Vice-President and a Registrar, and such officers as the Council may consider necessary.

*(18)* **20.** It shall be the duty of the Registrar of the Association to make and keep a correct Registry in accordance with the provisions hereof of all persons who are registered under the provisions hereof and to enter their qualifications opposite the names of all registered persons who shall have filed a statement of such and from time to time make the necessary alterations in the addresses of persons so registered.

*(19)* **21.** The Registrar shall admit upon the Register of the Pharmaceutical Association of the North-West Territories

(a) Any person possessing a diploma or certificate of admission to practice as a Pharmaceutical chemist in any part of Her Majesty's Dominions by any Pharmaceutical Association or College of Pharmacy empowered by law to grant such diploma or certificate.

(b) Any person who shall produce satisfactory evidence that he has been engaged in the actual practice of the profession of chemist and druggist or dispensing chemist or apothecary, either as clerk or manager, for at least four years prior to the passing of this Ordinance, and who, at the time of the passing of this Ordinance, was a resident of the Territories.

(c) Any person complying with Section (4) ~~four~~ of this Ordinance.

*(20)* **22.** No names shall be entered in the Register except authorized to be registered, nor unless the Registrar is satisfied by proper evidence that the person claiming is entitled to be registered and any appeal from the decision of the Registrar may be decided by the Council of the Association, and any entry, which shall be proved to the satisfaction of this Council to have been fraudulently or incorrectly made, may be amended or erased in the Register by order of such Council.

*(21)* **23.** The Council of the Association shall have authority notwithstanding anything contained in this Ordinance to prescribe the subjects upon which candidates for competency shall be examined and to establish a scale of fees to be paid by persons applying for examination.

24. The Council of the Association shall have the sole control and management of the real and personal property of such Association subject to the by-laws thereof; provided always that no sale or mortgage of any property of the Association shall be made, except with the approbation and concurrence of a general meeting of the members of the said Corporation specially called for such purpose.

25. The Council shall have power to make such by-laws, rules and regulations, not inconsistent with the provisions of this Ordinance, as they shall deem necessary for the carrying out of the objects of the Association, and from time to time may amend, revoke or substitute others in their stead; and such by-laws, rules and regulations may also be amended, altered or repealed, in whole or in part, at any annual general meeting of the Association, provided previous notice be given of the intention so to do, such notice to be given in accordance with the by-laws in force for the time being.

26. Any person registered, and no other, shall be entitled a "Pharmaceutical Chemist;" and no other person except a Pharmaceutical Chemist as aforesaid, or his employee or employees, shall be authorized to compound prescriptions of legally authorized or other medical practitioners or of other persons; but no person shall be entitled to take part in any of the proceedings of the said Association, who is in default in respect to any fee payable by him by virtue hereof.

25 27. Upon any person being registered as aforesaid, he shall be entitled to receive a certificate in the form ~~D~~ in Section 36 hereof, or to the like effect, under the corporate seal of the said Association, and signed by the Registrar and shall be entitled to receive a similar certificate annually, upon payment of a fee to be determined by the Council.

26 28. From and after the coming into effect of this Ordinance it shall be unlawful for any person to keep open shop for retailing, dispensing or compounding poisons, other than those contained in Form ~~D~~, or to assume the title "Chemist and Druggist" or "Pharmaceutical Chemist" or "Druggist," or "Pharmacists," or "Apothecary," or "Dispensing Chemist (Druggist)" in any part of the

North-West Territories, unless such person shall be a member of the Association hereby incorporated.

*27* **29.** The several articles named or described in Forms ~~A~~ and ~~D~~ in Section 36 hereof shall be deemed to be poisonous within the meaning of the provisions hereof and the Council of the Association may from time to time by resolution declare that any article in such resolution named ought to be deemed a poison within the meaning hereof; and thereupon the said Association shall submit the same to the approval of His Honor the Lieutenant-Governor-in-Council; and if such approval shall be given then such resolution and approval shall be advertised in the North-West Territories Gazette and on the expiration of two months from such advertisement the article named in such resolution shall be deemed to be "poison" within the meaning hereof and the same shall be subject to the provisions herein contained. *R*

*28* **30.** It shall be unlawful to sell any poison named in the first part of Form A, either by wholesale or retail, unless the bottle, vessel, wrapper or cover in which such poison is contained be distinctly labelled with the name of the article and the word "Poison;" and if sold by retail, then also with the name and address of the establishment in which such poison is sold; and it shall be unlawful to sell any poison mentioned in the first part of Form ~~A~~ to any person unknown to the seller, unless introduced by some person known to the seller; and on every sale of such article, the person actually selling the same shall, before delivery, make an entry in a book to be kept for that purpose in the Form ~~B~~ in Section 36 hereof, stating the date of such sale, the name and address of the purchaser, the name and quantity of the article sold, the purpose for which it is stated by the purchaser to be required, and the name of the person, if any, who introduced him, to which entry the signature of the purchaser shall be affixed. *B*

*C* (1) Provided also, that any person selling the drugs mentioned in Form ~~P~~ shall also comply with the provisions of this Section.

*29* **31.** Any person transgressing any of the provisions herein contained, or selling any poison in violation thereof, shall, for the first offence, incur a penalty not exceeding one hun-

dred dollars and costs of prosecution ; and for each offence subsequent to such conviction, a penalty not exceeding two hundred dollars and costs of prosecution, to be recovered in a summary manner before any Justice of the Peace.

30. In any prosecution hereunder it shall be incumbent on the defendant to prove that he is entitled to sell or keep open shop for compounding medicines or retailing poisons and to assume the title of Chemist and Druggist or other like title to the like effect; and the production of a certificate purporting to be under the hand of the Registrar and under the seal of the said Association showing that he is so entitled shall be *prima facie* evidence that he is so entitled.

31. ~~No person selling articles in violation of the foregoing provisions shall recover any charges in respect thereof in any Court of Law or Equity, nor shall any branch drug business be carried on by a Pharmaceutical Chemist, unless he employs in it a duly registered Pharmaceutical Chemist.~~

32. Nothing herein contained shall extend to interfere with the privileges conferred upon Physicians and Surgeons by any Ordinance relating to the practice of Medicine and Surgery in the North-West Territories, and they may be registered as Pharmaceutical Chemists without undergoing examination ; nor shall it prevent any person whatever from selling goods of any kind to any person legally authorized to carry on the business of an Apothecary, Chemist or Druggist or the profession of a Doctor of Medicine, Physician or Surgeon, nor to Veterinary Surgeons ; nor to prevent the members of such professions applying to their patients such medicine as they may require ; and upon the decease of any person legally authorized and actually carrying on the business of Chemist and Druggist at the time of his death, it shall be lawful for the executors, administrators or trustee or trustees of the estate of such persons to continue such business so long only as such business shall be *bona fide* conducted by a Pharmaceutical Chemist.

33. Upon the resolution of the Council of the Association being passed declaring that any person, in consequence of his conviction for any offence or offences against the provisions hereof, is, in the opinion of such Council, unfit to be on the register, the Lieutenant-Governor-in-Council may

direct that the name of such person shall be erased from such register, and it shall be the duty of the Registrar to erase the same accordingly.

**36.** The following are the forms referred to in this Ordinance.

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### FIRST SCHEDULE.

NORTH-WEST PHARMACEUTICAL ASSOCIATION.

*Voting Paper.*

FOR ANNUAL ELECTION, 18

*Form A*  
 I, John James Brown, a registered Pharmaceutical chemist, vote for the five persons hereinafter named to form the members of the Council of the North-West Territories Pharmaceutical Association :

1. George Courtney, Banff.
2. William Jenner, Calgary.
3. Thomas Morgan, Regina.
4. John Mitchell, Moose Jaw.
5. Francis Jones, Qu'Appelle.

And I declare that I am entitled to vote at this election, and am not in default in payment of my fees to the Council.

Dated,

April, 18

JOHN JAMES BROWN.

Witness :

HORACE YOUNG.

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### SECOND SCHEDULE.

NAME.	RESIDENCE.	QUALIFICATION.
A. B.	Banff . . . . .	Licensed under Ordinance
C. D.	Calgary . . . . .	No. 22 of 1891-92, exam-
E. F.	Regina . . . . .	ined and certified . . . day
G. H.	Qu'Appelle . . . . .	of . . . . . 189 .

## FORM A

## LIST OF POISONS. PART 1ST.

Aconite and its preparations.  
 Arsenic and its preparations.  
 Belladonna and its preparations.  
 Cantharides.  
 Corrosive Sublimate.  
 Cyanide of Potassium and all metallic cyanides.  
 Ergot of Rye and its preparations.  
 Essential Oil of Almonds, unless deprived of Prussic acid.  
 Euphorbium.  
 Opium and its preparations.  
 Prussic Acid.  
 Savin and its oil.  
 St. Ignatius Bean.  
 Strychnine and all its preparations.  
 Tartar emetic.

## PART 2ND.

Acetate of lead.  
 Oxalic Acid.  
 Calabar Beans.  
 Carbolic Acid.  
 Chloral Hydrate.  
 Chloroform and Ether.  
 Croton Oil and Seeds.  
 Elaterium, Gou'ard's Extract.  
 Hellebore.  
 Henbane and preparations.  
 Iodine.  
 Phosphorus.  
 Red and White Precipitate.  
 Verdigris.  
 Sulphate of Zinc.

## FORM B

## POISON SALES REGISTER.

Date.	Name and address of purchaser.	Name and quantity of poison sold.	Purpose for which poison is required.	Signature of purchaser.	Signature of person introducing purchaser.	Signature of seller.

## FORM C D

I hereby certify that *C. D.*, being entitled to registration by having  
..... was on the .....  
day of ..... A.D. 18...., duly registered as a  
Pharmaceutical Chemist, and is authorised to carry on the business of  
Chemist and Druggist in the North-West Territories of Canada, from  
the ..... day of ..... A.D. 18..  
to the ..... day of ..... A.D. 18..

(Signed) E. F.

Registrar of the North-West Territories  
Pharmaceutical Association.

[SEAL]

## FORM D E

Tincture Aconite in original packages.  
Cantharides Blister.

Laudanum or Paregoric in original packages.  
Strychnine in original packages.

Acetate of Lead.

Carbolic Acid.

Hellebore.

Paris Green.

Red Precipitate.

Sulphate of Zinc.

## NO. 23 OF 1891-92.

AN ORDINANCE TO AMEND CHAPTER 19 OF THE  
REVISED ORDINANCES, 1888, INTITLED "AN  
ORDINANCE RESPECTING BRANDS."

[*Assented to January 25th, 1892.*]

The Lieutenant-Governor, by and with the advice and consent of the Legislative Assembly of the Territories, enacts as follows:—

1. Chapter 19 of The Revised Ordinances, 1888, entitled "An Ordinance respecting Brands" is hereby amended by adding thereto the following words: "The Lieutenant-Governor shall have the power to alter, by proclamation, the boundaries of any existing stock district, by adding thereto or taking therefrom."

## NO. 24 OF 1891-92.

AN ORDINANCE TO AMEND AND CONSOLIDATE  
AS AMENDED THE ORDINANCES RESPECTING  
THE HERDING OF ANIMALS.

[*Assented to January 25th, 1892.*]

The Lieutenant-Governor, by and with the advice and consent of the Legislative Assembly of the Territories, enacts as follows:—

1. This Ordinance may be cited as "The Herd Ordinance."
2. Upon application as in Form "A" in the Appendix to this Ordinance, signed by two-thirds of the male occupants of lands resident for three months, over eighteen years of age, of any district not less than one hundred and forty-four square miles, the said application being verified on oath before a Justice of the Peace or a Notary Public as in Form "B" in the Appendix to this Ordinance, the Lieutenant-Governor may by order erect such district into a herd district, to be under the operation of the provisions of this Ordinance, (no reasonable objection being raised thereto), provided that a notice in the Form "C" in the Appendix hereto, or to the like effect, of the intention to make such application, has been posted in at least one conspicuous place in each township or fraction of township constituting the proposed herd district, three weeks next preceding the application being made to the Lieutenant-Governor, and provided such application is accompanied with the sum of six dollars to cover the cost of publication in the Official Gazette of the Territories.
3. Such order shall fix a date, such date not being later than fourteen days from the date of the order, from and after which the provisions of this Ordinance shall apply to the district so created, and shall also state the time or times in each year within which the provisions of Section 7 of this Ordinance shall apply and such order shall be published in the Official Gazette of the Territories.

**4.** A majority of the male occupants of lands, over eighteen years of age, resident within any herd district for at least three months next preceding the date of application may at any time apply to the Lieutenant-Governor to alter the time or times in each year within which the provisions of Section 7 of this Ordinance shall apply to such Herd District (the sufficiency of such application to be verified on oath before a Justice of the Peace or a Notary Public) and the Lieutenant-Governor may thereupon order that the provisions of said last mentioned Section shall apply within such herd district within the time or times in each year mentioned in such application and such order shall fix a date not later than fourteen days from the date thereof from and after which the same shall take effect and shall be published forthwith in the Official Gazette of the Territories.

**5.** Upon an application signed by two-thirds of those qualified as aforesaid in any section of country proposed to be added to an existing herd district, or of any section of country proposed to be withdrawn from the operation of the provisions of this Ordinance, verified under oath as aforesaid, and advertised as aforesaid and accompanied by a sum of money as aforesaid, the Lieutenant-Governor may by order add such section of country to such existing herd district, or withdraw such section of country from the operation of the provisions of this Ordinance, as the case may be, and such order shall fix a date, (such date not being later than fourteen days from the date of the order), from and after which it shall come into force, and such order shall be published in the Official Gazette of the Territories.

**6.** The Lieutenant-Governor, for the purposes of this Ordinance, may appoint in any herd district one or more poundkeepers for impounding animals distrained under this Ordinance, and in every such appointment the place where such pound is to be kept shall be defined.

**7.** The owner or occupier of any land within any such herd district may, subject to the provisions of the next following Section hereof and within the time or times in each year therein provided in relation to such district, distrain all animals doing damage upon his cultivated lands or stacks of grain or hay, and when any such distress is made the distrain-

• may keep and properly feed such animals in some secure place other than the public pound until his damages are appraised, or he may at once impound the same, notifying the pound-keeper that damages are, or are not, claimed and if claimed the amount thereof.

**8.** The provisions of the next preceding Section hereof shall apply and the right of distress therein mentioned shall be exercised only within the times hereinafter mentioned that is to say :—

(a.) In any herd district created before the passing of this Ordinance in respect of which no order made under the provisions of Section 4 of this Ordinance is in force, between the 15th day of May and the 31st day of October in each year ;

(b) In any herd district created under the provisions of this Ordinance in respect of which no order made under the provisions of said Section 4 is in force, within the time or times specified in the order creating such district ;

(c) In any herd district in respect of which an order made under the provisions of said Section 4 is in force, within the time or times specified in the last of such orders relating to such district.

**9.** Such distress shall be made at any time before such animals doing damage as aforesaid escape from such lands or while followed and kept in sight by the party sustaining damages, or by any person being on the said land at the time such damage is done, and without regard to the sufficiency of the fence thereon.

**10.** As soon as practicable after such distress, if damages are claimed, the distrainor shall in writing, stating the number and kind of animals distrained and the amount of damages claimed, and whether impounded or not, and, if impounded, the name of the poundkeeper, notify the owner of the animal so distrained, if known to the distrainor, and if such owner does not, within twelve hours after receiving such notice, pay the damages claimed by the distrainor, they shall immediately appoint two arbitrators under the provisions of the Arbitration Ordinance of 1891-92 to ap-

praise such damages, or in case the owner of the animal is not known the distrainor shall at once appoint one arbitrator and apply to a Justice of the Peace to appoint a second arbitrator, who shall then together proceed under the provisions of the Arbitration Ordinance of 1891-92; such arbitrators shall each receive as compensation for their services, two dollars for making the appraisal and five cents per mile as mileage in going to and returning from the place where the damages are sustained, to be paid, in the first instance, by the distrainor, the distance travelled by the arbitrators and their fees to be made part of the returns of said arbitrators.

**11.** The arbitrators shall, immediately after their appointment, notify in writing the distrainor and such owner, if known, of the time when they shall meet to make the appraisement, and proceed to the place and view the damages done, and they may take the evidence of any person of the facts or circumstances necessary to enable them to ascertain the extent of such damage, and for this purpose the arbitrators, or either of them, are authorized to administer an oath to every such witness.

**12.** The arbitrators shall ascertain, and certify under their hands, the amount of such damage, with fees for their services as aforesaid. But such fees shall not be chargeable to the owner of the said animals so distrained if the amount of such appraisement is less by one-sixth than the amount of damages claimed by the owner in the first instance.

**13.** Within twenty-four hours, Sunday excepted, after the damages are so appraised, and the animals distrained have not been impounded, unless the amount of the damages and fees, for which the owner is liable, are paid or tendered to the distrainor, he shall cause the same to be put in the nearest pound in the same district, there to remain until the same are sold as hereinafter directed, or until the damages and the fees for which the owner is liable, and costs of keeping such animals, together with the poundkeeper's fees are paid, and if such animals are put in any pound, the distrainor shall deliver the certificate of the arbitrators to the keeper of such pound, and also a statement in writing, showing in detail the charges for keeping said animals.

**14.** The poundkeeper shall receive, keep and properly feed the animals so delivered to him in the public pound, and, if the owner be known, shall within ten days sell such animals, or so many of them as are necessary, at public auction, giving at least six days' notice of such sale, by posting the same at such pound and at three of the most public places in the district.

**15.** If the owner of any animal impounded be unknown the poundkeeper shall cause to be posted forthwith in at least three of the most public places in the district and to be inserted in the newspaper published nearest to his pound a notice of such impounding describing, as near as possible, all the marks natural and artificial, color and probable age of such animal and if, after the expiration of twenty days from the first publication of such notice in such newspaper, all the damages and fees for which such animal is liable, (including poundkeeper's fees and expenses of keeping such animal and the costs and expenses of the publication of such notices) are not fully paid and satisfied, the poundkeeper shall proceed to sell said animal by public auction giving at least ten days notice of the time and place of such sale by notice describing, in the manner aforesaid, the animal, published in such nearest newspaper and posted up in at least three of the most public places in the district.

**16.** From the proceeds of such sale the poundkeeper shall retain sufficient to pay his fees, the costs and expenses of advertising and the cost of keeping such animal, and he shall pay to the distrainor a sum sufficient to pay the damages as certified by the appraisers and the costs and expenses of making the appraisement, if such sum is due the distrainor, and if there is any surplus, the same shall be paid to the owner of such animal, if known, and if no owner appears at the time of such sale or within one week thereafter, and claims such surplus, the same shall be paid to the Lieutenant-Governor.

**17.** The Lieutenant-Governor shall pay such surplus money, if claimed within one year after the distress, to the owner of such animals, but if not claimed within that time such surplus money shall be applied to the General Revenue Fund of the Territories.

**18.** Any person who unlawfully takes such animals after being distrained out of the possession of the person making distress, or out of the possession of the poundkeeper, (as the case may be) shall be liable, on summary conviction before a Justice of the Peace, to a fine not exceeding forty dollars and shall also be liable to double the amount of damages committed by such animals to the person injured thereby.

**19.** The provisions of this Ordinance shall not apply in the districts west of Range sixteen west of the third principal meridian, and hereafter all Municipalities shall be and are hereby withdrawn from the operation of this Ordinance, and shall not be included in any Herd District to be formed under the provisions of this Ordinance.

The restriction in this Section "The provisions of this Ordinance shall not apply in the districts west of Range sixteen, west of the Third Principal Meridian" shall not apply within the Electoral District of Battleford.

**20.** The following shall be the fees and costs authorized by this Ordinance :—

To the owner or occupier of the land injured by an animal for driving and delivering the same to the poundkeeper—His reasonable expenses ;

To the poundkeeper—

For every stallion or bull, fifty cents ; for every other horse, mule or jack, or head of cattle or swine, twenty-five cents ; for every sheep, goat or goose, each ten cents, for each day the same shall be impounded, for their support ;

For notifying owner of animal impounded, fifty cents ;

For posting notices, if owner not known, one dollar, and the actual cost of newspaper advertisement when incurred ;

For posting notices of sale, one dollar ;

And for each mile necessarily travelled in the performance of his duties, ten cents ;

And two and one-half per cent. commission upon the amount realized on the sale, for selling animal and applying proceeds according to the provisions of this Ordinance.

To the Justice of the Peace for appointing appraisers, one dollar.

**21.** Chapter 11 of The Revised Ordinances, 1888, and Ordinances No. 15 of 1889 and No. 10 of 1890 respectively are hereby repealed : Provided however, that all herd districts created under said Ordinances or any of them are hereby continued under and subject to the provisions of this Ordinance.

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## APPENDIX.

## FORM A.

(Vide Section 2.)

To His Honor the Lieutenant-Governor of the North-West Territories :  
The application of the undersigned sheweth :

That it is desirable to put in force within (here describe the area) the provisions of "The Herd Ordinance ;"

That your applicants comprise two-thirds of those qualified to present this application under the provisions of the said Ordinance ;

Your applicants therefore pray that your Honor may be pleased to cause the proper order to be issued constituting the above-described area into a Herd District as provided by the said Ordinance, and that the time or times in each year within which the provisions of Section 7 of said Ordinance shall apply to said district, be as follows :

*Here state the time or times in each year within which the provisions of Section 7 are to apply.*

A. B., C. D., E. F., etc.

## FORM B.

(Vide Section 2.)

I, A.B., of [redacted] make oath and say :  
That the total number of persons in the area described in the annexed application qualified to present this application under the Herd Ordinance is [redacted] persons, and of the above number persons have signed the same ;

That I was personally present and did see the parties whose names are attached thereto sign the same, and each of them before signing the same was cognizant of the contents thereof.

N.B. If no one person can verify all the signatures attached to the application, the above form may be altered to meet the circumstances.

## FORM C.

*(Vide Section 2.)*

Notice is hereby given that, after the expiration of four weeks from the date of the first publication of this notice, application will be made to the Lieutenant-Governor for the erection of the following area of lands, to wit: (describe the boundaries of the proposed districts,) into a herd district (or to be added to an existing herd district, naming the same, or to be withdrawn from the operation of the provisions of "The Herd Ordinance" as the case may be) under the provisions of "The Herd Ordinance."

Dated at

A.D. 189

(Signed,)

A.B.

C.D.

E.F.

First published

day of

A.D. 189

NO. 25 OF 1891-92.

**AN ORDINANCE TO AMEND CHAPTER 8 OF THE REVISED ORDINANCES, 1888, INTITULÉ “THE MUNICIPAL ORDINANCE.”**

[*Assented to January 25th, 1892.*]

The Lieutenant-Governor, by and with the advice and consent of the Legislative Assembly of the Territories, enacts as follows :—

**1.** Subsection 4 of Section 1 is amended by striking out all the words after “land” and substituting therefor the words “real property” and “real estate” respectively, shall include all buildings or other things erected upon or affixed to the land, and all machinery or other things so fixed to any building as to form in law part of the realty, and all mines, minerals, quarries, fossils, in and under the same, except mines belonging to Her Majesty.

(a) “Personal estate” and “personal property” shall include all goods, chattels, shares in incorporated companies, interest on mortgages, dividends from bank stock, income and all other property except land and real estate and real property as above defined and except property herein expressly exempted.

**2.** Section 21 is hereby amended by striking out the words “British Subjects” where they occur therein.

**3.** Section 26 is hereby amended by adding thereto the following subsection :—

(a) Provided always that every nomination for Mayor or Councillor shall be accompanied by a written consent from the person named in such nomination.

**4.** Subsection 31 of Section 68 is hereby amended by inserting the words “last revised” after the words “on the” and before the words “assessment roll” and by striking out the words “for the then current year” where they occur.

**5.** Subsection 32 of Section 68 is hereby amended by adding the following subsection :—

(a) The expression " hawkers," " pedlers" means and includes any person, who, being a principal or an agent or employee of any person not a resident within the Territories, sells, or offers for sale, any goods, wares or merchandise or carries and exposes samples or patterns of any goods, wares or merchandise, to be afterwards delivered within the Territories, to any person not being a wholesale or retail dealer in such goods, wares or merchandise, but shall not mean or include any person selling meat, fish, fruit, or farm produce by retail.

**6.** Subsection 11 of Section 88 is hereby amended by adding thereto the words "and Personal Property to the amount of three hundred dollars."

**7.** Subsection 4 of Section 118 is hereby amended by inserting the words "or income" after the word "property" and before the word "of" in the second line of said Section.

**8.** Subsection 12 of Section 120 is hereby amended by adding the following : " And can only be appealed from by a unanimous vote of the Council."

**9.** Section 218 is hereby amended by adding the following words : " Such fees shall be credited to and become the property of the Municipality."

**10.** The said Chapter is further amended by inserting the following Section :—

The Council of every municipality shall, not later than the 15th day of December in each year, cause to be published within the Municipality a statement of receipts, expenditures and liabilities of the Municipality.

**11.** Form L in the Appendix to the said Chapter is hereby amended by striking out the words "alleged to be."

**12.** Every promulgation of a by-law shall consist in the publication, through the public press, of a true copy of the by-law, and of the signature attesting its authenticity, with a notice appended thereto of the time limited by law for applications to the courts to quash the same or any part thereof ; and the publication aforesaid shall be in a news-

paper published within the Municipality, or if no newspaper be published therein, then in some newspaper published nearest the Municipality, as the Council may designate by resolution, and the publication shall for the purpose aforesaid, be continued in at least one number of such paper each week for three successive weeks.

(a) The notice to be appended to every copy of the By-law for the purpose aforesaid shall be to the effect following :

#### NOTICE.

The above is a true copy of a By-law passed by the Municipal Council of the Municipality of                              on the        day of                            A.D.                          and approved by His Honor the Lieutenant-Governor-in-Council on the        day of                            A.D.                          and all persons are hereby required to take notice that anyone desirous of applying to have such By-law or any part thereof quashed, must make his application for that purpose to the Judge of the Supreme Court within three months next after the third publication of this notice or he will be too late to be heard in that behalf.

(b) In case no application to quash a By-law is made within three months next after the third publication thereof and notice as aforesaid, the By-law or so much thereof as is not the subject of any such application or not quashed upon such application so far as the same Ordinance prescribes or directs anything within the proper competence of the Council to ordain, prescribe or direct shall, notwithstanding any want of substance or form either in the By-law itself or in the time or manner of passing the same, be a valid By-law.

**13.** In addition to the powers already granted, Municipalities may, if any part of the monies held by them to the credit of a sinking fund account, cannot be immediately applied towards paying the debt by reason of no part thereof being yet payable, invest the same from time to time in Dominion Government Securities and Territorial Municipal Debentures.

1. The Council of such Municipality may regulate, by by-law, the manner in which such investments shall be made.

**14.** In settling the sum to be raised annually for the payment of a debt the rate of interest on investments shall not be estimated at more than five per centum per annum to be capitalized yearly.

**15.** Any Municipality may become the purchaser of any lot or parcel of land sold at a sale of land for taxes held under and in pursuance of the provisions of this Ordinance within its own Municipality, through some officer of the Corporation duly authorized in that behalf by by-law: Provided, any such Municipality so purchasing shall not purchase any lot or parcel of land at any such sale for an amount less than the aggregate amount of taxes in arrears at the time of such sale and all costs, charges, and expenses incurred by the Municipality through the sale of any such lot or parcel of land or purchased by them.

## NO. 26 OF 1891-92.

AN ORDINANCE TO AMEND AND CONSOLIDATE  
AS AMENDED THE ORDINANCES RESPECT-  
ING FENCES.

[Assented to January 25th, 1892.]

The Lieutenant-Governor, by and with the advice and consent of the Legislative Assembly of the Territories, enacts as follows :—

**1.** No action for damages caused by domestic animals shall be maintained, nor shall domestic animals be liable to be restrained for causing damage to property, unless the same is surrounded by a lawful fence not less than eight feet from said property;

Provided that all stacks of hay or grain erected in a field surrounded by a lawful fence must be not less than 100 feet from such fence.

**2.** North of the range of townships numbered 30, any substantial fence four feet six inches high shall be a lawful fence, if it consists :

(a) Of rails or boards, the lower one not more than one foot from the ground, the others not more than six inches apart, except the top one, which may be eight inches from the next lower rail ;

(b) Of upright posts or boards, not more than six inches apart ;

(c) Of barbed wire and a substantial rail on the top, the wires to be not less than two in number, and the lower one not more than twenty inches from the ground ;

(d) Of common wire and a substantial rail on the top, the wires to be not less than four in number, or more than one foot apart ;

**3.** In all other parts of the Territories, any substantial fence, four feet six inches high, shall be a lawful fence, if it consists :

(a) Of rails or boards, not less than four in number, the lower one not more than eighteen inches from the ground, and each panel not exceeding twelve feet in length;

(b) Of upright posts or boards, not more than six inches apart;

(c) Of barbed wire and a substantial rail on the top, the wires to be not less than two in number, and the lower one not more than twenty inches from the ground.

Or of three barbed wires, the lower one not more than twenty inches from the ground; posts not to be more than  $16\frac{1}{2}$  feet apart.

(d) Of common wire and a substantial rail on the top, the wires to be not less than three in number, or more than one foot apart; or of four wires one foot apart; posts not to be more than  $16\frac{1}{2}$  feet apart.

(e) Of three or more wires, barbed or plain, on posts not more than thirty-five feet apart, the wires being stapled to droppers, not less than five feet in height, two inches in width, and one and a-half inches in thickness; or willow or other poles, not less than five feet high, and one inch in diameter at the small end; the said droppers or poles being placed (one end resting on the ground) at regular intervals of not more than ten feet apart.

**4.** The following fence, known as the A fence, is hereby declared to be a lawful fence in all parts of the Territories :—

Two posts spiked together at the top and resting on the ground in the shape of an A, which shall be joined by a brace firmly nailed near the base; three rails shall be firmly nailed on one side of the A, the top rail not less than four feet six inches from the ground, and the bottom rail not more than eighteen inches from the ground; there shall also be nailed on the other side of the A one rail not more than twenty inches from the ground.

**5.** In all parts of the Territories, any river bank, or other natural boundary, sufficient to keep domestic animals out of any enclosed land, shall be a lawful fence.

**6.** No action for damages shall be maintained nor shall domestic animals be liable to be distrained for damages to stacks of hay or grain unless the same are surrounded by a substantial fence, not less than four feet six inches high, and at no point nearer than twelve feet from such stacks, and consisting of rails or boards, the lower one not more than one foot from the ground, the others not more than six inches apart, except the top one, which may be eight inches from the next rail, each panel not exceeding twelve feet in length, and all rails must be securely fastened;

Or of barbed or common wire, and a substantial rail on the top, securely fastened, the wires to be not less than four in number, the lower wire not more than one foot from the ground, and the others not more than eight inches apart;

Or of barbed or common wire, not less than five in number, the lower wire not more than one foot from the ground and the others not more than eight inches apart.

**7.** Whenever the owner or occupier of any land erects a line or boundary fence, the owner or occupier of the adjoining land shall, as soon as he encloses by a connecting cross fence with the said line fence, pay to the former the fair value of one-half of so much of the said line fence as forms one side of the enclosure, and each of the owners or occupiers of adjoining lands shall make, keep up, and repair a just proportion, equal to one-half of the fence forming a boundary between them; and any one of such persons failing to do so, after one week's notice from his neighbor, shall compensate such neighbor to the value of the work done in making and repairing the same.

**8.** In case any interested parties disagree as to what is a lawful fence; or as to the just proportion of a line fence, which each of the adjoining owners or occupiers should make or keep in repair; or render compensation therefor or if damage be done by domestic animals breaking into

and destroying the product of any land, the same being enclosed by a lawful fence, the owner of the animals so trespassing shall pay to the party injured the amount of such damages ; if the parties interested cannot agree as to question in dispute, they shall at once proceed to the appointment of either one or two arbitrators as provided under the provisions of the Arbitration Ordinance 1891-92.

**9.** The provisions of this Ordinance shall not apply to herd districts during the time "The Herd Ordinance" is in force, or to municipalities or to unincorporated towns.

**10.** Chapter 12 of The Revised Ordinances, 1888, and Ordinance No. 18 of 1890 respectively are hereby repealed.

NO. 27 OF 1891-92.

AN ORDINANCE RESPECTING THE PROTECTION  
OF PROPERTY.*[Assented to January 25th, 1892.]*

The Lieutenant-Governor, by and with the advice and consent of the Legislative Assembly of the Territories, enacts as follows:—

1. Whenever any person shall, for the purpose of obtaining ice, cut or open any hole in the ice, formed on any river, lake or pond in any place thereon accessible to the public or to cattle and where the water in any part of such hole exceeds four feet in depth, he shall cause such hole to be surrounded by a substantial fence or enclosure of wood at least 4 feet in height and shall keep such hole enclosed as aforesaid, except when actually engaged in getting out ice, until such hole shall have become sufficiently frozen over to be safe for persons and cattle to walk upon.
2. Whenever any person digs or excavates any well, cellar or other hole in any place accessible to any domestic animal, he shall cause such well, cellar or hole to be surrounded by a legal fence.
3. Any person who shall infringe or violate any of the provisions of this Ordinance shall be liable to a penalty or fine not exceeding twenty-five dollars together with the costs of prosecution, and any person violating the provisions of this Ordinance shall in addition to the remedy herein provided be liable in a civil action to all damages which any person may sustain by reason of such violation.

## NO. 28 OF 1891-92.

AN ORDINANCE TO FURTHER AMEND CHAPTER  
59 OF THE REVISED ORDINANCES, 1888, IN-  
TITLED "THE SCHOOL ORDINANCE."

[Assented to January 25th, 1892.]

The Lieutenant-Governor, by and with the advice and consent of the Legislative Assembly of the Territories, enacts as follows:—

**1.** Section 4 of the said Ordinance is hereby amended by striking out the words "for two years and until their successors are appointed," and inserting in lieu thereof the words "during pleasure."

**2.** Section 5 of the said Ordinance is hereby repealed, and the following substituted in lieu thereof:—

(5) "The Board shall meet at Regina at such times as the Lieutenant-Governor-in-Council may direct."

**3.** Sub-division (*a*) of subsection 5, and subsection 8 of Section 10 of the said Ordinance are hereby repealed.

**4.** Subsection 3 of Section 11 of the said Ordinance is hereby repealed.

**5.** The Lieutenant-Governor-in-Council may appoint inspectors of schools in the Territories, and fix their salaries and travelling allowances, and such inspectors shall severally hold office during pleasure, and in addition to the duties imposed upon them under subsection 5 of Section 10 of the said Ordinance, shall perform such other duties as may be imposed upon them from time to time by the Lieutenant-Governor-in-Council.

**6.** Section 12 of the said Ordinance is hereby repealed and the following substituted in lieu thereof:

(12) "There shall be a general Board of Examiners for

teachers' certificates, who shall be appointed, and whose remuneration shall be fixed by the Lieutenant-Governor-in-Council."

7. Section 13 of the said Ordinance is hereby repealed and the following substituted in lieu thereof :—

(13) Each section of the Board shall have the selection of text books for the examination of teachers in History and Science, and it shall have power to prescribe any additional subjects of examination for the teachers of schools of its section, and for all examinations on such subjects the examiners may be appointed by each section, and shall, if so appointed, respectively have exclusive jurisdiction. The number of such examiners shall be fixed by the Lieutenant-Governor-in-Council.

8. Section 15 of the said Ordinance is hereby amended by striking out the following words "to call all meetings of the Board of Education, and of the sections thereof, in accordance with the provisions of this Ordinance, and also."

9. Section 35 of the said Ordinance is hereby amended by striking out the word "forthwith," and by adding the following subsection.

a. A school district shall be proclaimed in the month of June or December, as the case may be, immediately following the receipt by the Lieutenant-Governor of the report and declaration of the chairman of a first school meeting; and new districts shall only become entitled to Government aid on, from and after the first day of the school term following such proclamation.

10. Section 52 of the said Ordinance is hereby amended by inserting after the word "month" the following words "or neglect or refusal to attend the meetings of the Board of Trustees during a period of three months."

11. Section 90 of the said Ordinance is hereby repealed.

12. The following Section is hereby substituted for Section 90 of the said Ordinance :—

(90) There shall be paid from the general revenue fund of the Territories in aid of schools organized under and con-

ducted according to the provisions of this Ordinance, 70 % of the salary paid by the trustees to the teacher or teachers employed ;

Provided that the annual salary upon which such percentage is payable shall not exceed the amount hereinafter provided, to be made up as follows :—

*a.* To schools having an average attendance of from six to ten pupils graded in Standard III or under, where a teacher holding a 3rd class or provisional certificate is employed, \$360.00 ;

*b.* For every pupil in daily average attendance over ten pupils, an additional amount of \$5.00 ;

*c.* For every pupil in daily average attendance in all Standards above III, according to the last examination as provided for in the next following Section, an additional amount of \$25.00 ;

*d.* For each teacher employed holding a 2nd class certificate an additional \$25.00, and for each teacher employed holding a 1st class certificate an additional amount of \$50.00 ;

Provided that in schools where more than one teacher is employed each department shall rank as a school under the provisions of subsection (*a*), when each teacher employed has a daily average attendance of not less than 20 pupils ;

*e.* Upon the recommendation of an Inspector the Lieutenant-Governor-in-Council may make a special grant to any school, whether organized according to law or not, out of the general revenue fund of the Territories.

**13.** There shall be regular annual promotion examinations held in each school in the months of June and July in each year, in accordance with regulations to be issued by the Board of Education, in all Standards from Standard III upwards.

*a.* In order to be promoted from Standard III to Standard IV, pupils must pass the examination to be held in the month of June in the following subjects, namely :—Reading, Dictation, Composition and Language, Arithmetic, Geography and History, as prescribed in Standard III of the programme of studies ;

*b.* To be promoted from Standard IV to Standard V, a pupil must pass the entrance examination to be held in the

month of June to the High School Branch of Union Schools;

*c.* To be promoted from Standard V to Standard VI, a pupil must pass the examination to be held in July for a 3rd class certificate.

*(d)* To be promoted from Standard VI to Standard VII, a pupil must pass the examination to be held in July for a 2nd class certificate.

**14.** Notice of the intended appointment of an additional teacher or teachers shall be given in writing by trustees to the Secretary of the Board of Education at least three months previously to the date at which the services of such teacher or teachers, in respect of which Government aid is claimed, have begun.

**15.** The provisions of Section 12 of this Ordinance shall not come into force until the first day of July, A.D., 1892.

## NO. 29 OF 1891-92.

## AN ORDINANCE RELATING TO ARBITRATION.

[Assented to January 25th, 1892.]

The Lieutenant-Governor, by and with the advice and consent of the Legislative Assembly of the Territories, enacts as follows:—

1. This Ordinance may be cited as "The Arbitration Ordinance."

## REFERENCES BY CONSENT OUT OF COURT.

2. A submission, unless a contrary intention is expressed therein, shall be irrevocable except by leave of the Court or a Judge, and shall have the same effect in all respects as if it had been made an order of Court.

3. A submission, unless a contrary intention is expressed therein, shall be deemed to include the provisions set forth in the Schedule to this Ordinance, so far as they are applicable to the reference under submission.

4. If any party to a submission, or any person claiming through or under him, commences any legal proceedings in any Court against any other party to the submission, or any person claiming through or under him in respect of any matter agreed to be referred, any party to such legal proceedings may at any time after appearance, and before delivering any pleadings or taking any other steps in the proceedings, apply to that Court to stay the proceedings and that Court or a Judge thereof, if satisfied that there is no sufficient reason why the matter should not be referred in accordance with the submission and that the applicant was, at the time when the proceedings were commenced, and still remains ready and willing to do all things necessary to the proper conduct of the arbitration, may make an order staying the proceedings.

5. In any of the following cases:—

(a) Where a submission provides that the reference shall be to a single arbitrator, and all the parties do not after differences concur in the appointment of an arbitrator ;

(b) If an arbitrator refuses to act, or is incapable of acting, or dies, and the submission does not show that it was intended that the vacancy should not be supplied and the parties do not supply the vacancy ;

(c) Where the parties or two arbitrators are at liberty to appoint an umpire or third arbitrator and do not appoint him ;

(d) Where an appointed umpire or arbitrator refuses to act, or is incapable of acting, or dies, and the submission does not show that it was intended that the vacancy should not be supplied and the parties or arbitrators do not supply the vacancy ;

Any party may serve the other parties or the arbitrators, as the case may be, with a written notice to appoint an arbitrator, umpire, or third arbitrator. If the appointment is not made within seven clear days after the service of the notice, the Court or a Judge may, on application by the party who gave the notice appoint an arbitrator, umpire, or third arbitrator, who shall have the like powers to act in the reference and make an award as if he had been appointed by consent of all parties.

**6.** Where a submission provides that the reference shall be to two arbitrators, one to be appointed by each party, then, unless the submission expresses a contrary intention,

(a) If either of the appointed arbitrators refuses to act, or is incapable of acting, or dies, the party who appointed him may appoint a new arbitrator in his place ;

(b) If, on such a reference, one party fails to appoint an arbitrator, either originally or by way of substitution as aforesaid, for seven clear days after the other party, having appointed his arbitrator, has served the party making default with notice to make the appointment, the party who has appointed an arbitrator may appoint that arbitrator to act as sole arbitrator in the reference and his award shall be binding on both parties as if he had been appointed by consent : Provided that the Court or a Judge may set aside any appointment made in pursuance of this Section.

**7.** The arbitrators or umpire acting under a submission shall, unless the submission expresses a contrary intention, have power;

(a) To administer oaths to or take the affirmations of the parties and witnesses appearing; and

(b) To state an award as to the whole or part thereof in the form of a special case for the opinion of the Court; and

(c) To correct in an award any clerical mistake or error arising from any accidental slip or omission.

**8.** Any party to a submission may sue out a writ of subpoena *ad testificandum*, or a writ of subpoena *duces tecum*, but no person shall be compelled under any such writ to produce any document which he could not be compelled to produce on the trial of an action:

(a) Such writs may be obtained from any Clerk of the Court, or Deputy Clerk of the Court on payment of the fees prescribed in the Judicature Ordinance.

**9.** The time for making an award may, from time to time, be enlarged by order of the Court or a Judge whether the time for making an award has expired or not.

**10.** In all cases of reference to arbitration the court or a Judge may, from time to time, remit the matters referred, or any of them, to the reconsideration of the arbitrators or umpire.

(2) Where an award is remitted, the arbitrators or umpire shall, unless the order otherwise directs, make their award within six weeks after the date of the order.

**11.** Where an arbitrator or umpire has misconducted himself, the Court or a Judge may remove him.

(2) Where an arbitrator or umpire has misconducted himself, or an arbitration or award has been improperly procured, the Court may set the award aside.

**12.** An award on a submission may, by leave of the Court or a Judge, be enforced in the same manner as a judgment or order to the same effect.

#### GENERAL.

**13.** The Court or a Judge may order that a writ of subpoena *ad testificandum* or of subpoena *duces tecum* shall issue to compel the attendance before an official or special referee, or before any arbitrator or umpire, of a witness wherever he may be within the Territories.

(2) The Court or a Judge may also order that a writ of habeas corpus *ad testificandum* shall issue to bring up a prisoner for examination before an official or special referee or before any arbitrator or umpire.

**14.** Any referee, arbitrator or umpire may, at any stage of the proceedings under a reference, and shall, if so directed by the Court or a Judge, state in the form of a special case for the opinion of the Court any question of law arising in the course of the reference.

**15.** Any order made under this Ordinance may be made on such terms as to costs or otherwise as the authority making the order thinks just.

**16.** This Ordinance shall not affect any arbitration pending at the commencement of this Ordinance but shall apply to any arbitration commenced after the commencement of this Ordinance under any agreement or order made before the commencement of this Ordinance.

**17.** In this Ordinance unless the contrary intention appears :—

(1) "Submission" means a written agreement to submit present or future differences to arbitration, whether an arbitrator is named therein or not;

(2) "Court" means the Supreme Court of the North-West Territories;

(3) "Judge" means a judge of the Supreme Court of the North-West Territories;

(4) "Rules of Court" means the rules of the Supreme Court of the North-West Territories.

### SCHEDULE.

(*Vide* Section 3.)

(a) If no other mode of reference is provided, the reference shall be to a single arbitrator.

(b) If the reference is to two arbitrators, the two arbitrators may appoint an umpire at any time within the period during which they have power to make an award.

(c) The arbitrators shall make their award in writing within six weeks after entering on the reference, or after having been called on to act by notice in writing from any party to the submission, or on or before any later day to which the arbitrators, by any writing signed by them, may from time to time enlarge the time for making the award.

(d) If the arbitrators have allowed their time or extended time to expire without making an award or have delivered to any party to the submission, or to the umpire, a notice in writing stating that they cannot agree, the umpire may forthwith enter on the reference in lieu of the arbitrators.

(e) The umpire shall make his award within one month after the original or extended time appointed for making the award of the arbitrators has expired, or on or before any later day to which the umpire, by any writing signed by him, may from time to time enlarge the time for making his award.

(f) The parties to the reference, and all persons claiming through them, respectively, shall, subject to any legal objection, submit to be examined by the arbitrators or umpire, on oath or affirmation, in relation to the matters in dispute and shall, subject as aforesaid, produce before the arbitrators, or umpire, all books, deeds, papers, accounts, writings and documents within their possession or power, respectively, which may be required or called for and do all other things which during the proceedings on the reference the arbitrators, or umpire, may require.

(g) The witnesses on the reference shall, if the arbitrators or umpire think fit, be examined on oath or affirmation.

(h) The award to be made by the umpire or arbitrators shall be final and binding on the parties and the persons claiming under them respectively.

(i) The costs of the reference and award shall be in the discretion of the arbitrators or umpire, who may direct to and by whom and in what manner those costs or any part thereof shall be paid, and may tax or settle the amount of costs to be so paid or any part thereof.

NO. 30 OF 1891-92.

## AN ORDINANCE TO GIVE JOSEPH HENRY WRIGLEY A CERTAIN STATUS AS A STUDENT-AT-LAW.

*[Assented to January 25th, 1892.]*

Whereas, Joseph Henry Wrigley, formerly of the city of Winnipeg in the Province of Manitoba but now of Calgary in the North-West Territories, Student-at-Law, hath by his petition set forth that he on the first day of January, A.D. 1889, then being a graduate in Arts of the University of Manitoba, duly entered the chambers of William Egerton Perdue, a practising Barrister in the Province of Manitoba, and did actually and *bona fide* attend the chambers of the said William Egerton Perdue from the said first day of January, A.D. 1889, until the first day of March, A.D. 1891, being a period of two years and two months, and that he duly passed the first and second intermediate examinations for a student-at-law and articled clerk in the said Province ;

And Whereas, the said Joseph Henry Wrigley, by his petition further sets forth that he was on the first day of March, A.D. 1891, duly articled to James Alexander Lougheed, Queen's Counsel, a practising Advocate in the said town of Calgary, and that he has actually and *bona fide* served as such articled clerk from the said first day of March, A.D. 1891, to the present time ;

And Whereas, for the reasons aforementioned the said Joseph Henry Wrigley has prayed that an Ordinance may be passed to declare that he, the said Joseph Henry Wrigley, shall have the same status as a Student-at-Law under the Ordinance respecting the Legal Profession and amendments thereto for the purposes of enrolment as an Advocate under the said Ordinance and amendments as if he had duly been articled to a practising Advocate of the North-West Territories and had duly served thereunder from the first day of January, A.D. 1889 ;

And Whereas, it is expedient to grant the prayer of the said petition ;

Therefore be it enacted by the Lieutenant-Governor, by and with the advice and consent of the Legislative Assembly of the Territories, as follows :—

1. That the said Joseph Henry Wrigley shall have the same status as a Student-at-Law under the Ordinance respecting the Legal Profession and amendments thereto for the purposes of enrolment as an Advocate under the said Ordinance and amendments as if he had been duly articled to a practising Advocate of the North-West Territories and had duly served thereunder from the first day of January, A.D. 1889, and that the said Joseph Henry Wrigley be, for the purposes of such enrolment, held to have been duly articled to a practising Advocate of the said Territories and to have served his time with such Advocate from the first day of January, A.D. 1889.

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NO. 31 OF 1891-92.

**AN ORDINANCE TO DECLARE THE INCORPORATION OF THE SALTCOATS DAIRY ASSOCIATION VALID.**

[*Assented to January 25th, 1892.]*

WHEREAS doubts have arisen as to the validity of the incorporation of the Saltcoats Dairy Association and its right to carry on any operations owing to the declarations filed in pursuance of Sections 2 and 4 of Ordinance No. 13 of 1889 not being statutory declarations and the meeting mentioned in said Section 4 not having been called within the time specified therein ;

AND WHEREAS the said Association have petitioned that an Ordinance may be passed legalizing, confirming and declaring valid the incorporation of the Association ;

AND WHEREAS it is expedient to grant the prayer of the said petition ;

THEREFORE, the Lieutenant-Governor, by and with the advice and consent of the Legislative Assembly of the Territories, enacts as follows :—

**1.** The Saltcoats Dairy Association is and has been since the twenty-sixth day of March, A.D. 1890, a body corporate within the meaning of Ordinance No. 13 of 1889, with all the powers, rights and privileges possessed by Associations incorporated under the said Ordinance.

**2.** No operations carried on, or to be hereafter carried on, by the said Association shall be invalid by reason of the meeting for framing a set of rules for the regulation and management of the Association not having been called within the time specified in Section 4 of the said Ordinance, or by reason of a statutory declaration verifying such rules not having been filed in the office of the Lieutenant-Governor.

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## NO. 32 OF 1891-92.

AN ORDINANCE TO LEGALIZE THE PURCHASE  
BY THE CORPORATION OF THE MUNICI-  
PALITY OF THE TOWN OF CALGARY OF  
THE LANDS HEREINAFTER PARTICULARLY  
DESCRIBED AND FOR OTHER PURPOSES.

[Assented to January 25th, 1892.]

Whereas the said corporation did, on or about the second day of May, 1887, purchase from Her Majesty the Queen, represented by the Government of the Dominion of Canada, that part of the north-east quarter of section 11, township 24, range 1, west of the fifth initial meridian, which lies south and west of the right of way of the Canadian Pacific Railway Company, and containing by admeasurement sixty-four acres and sixteen one-hundredths of an acre;

And whereas the said corporation are desirous of vesting ten acres, being a portion of the said lands in the North-West Trading Company of Canada, Limited, for the purpose of enabling the said Company to erect thereon slaughter and cooling houses and other buildings connected with the business of the said Company, and for that purpose have, by resolution duly passed, requested Her Majesty the Queen to convey the said ten acres direct to the said North-West Trading Company of Canada, Limited, and have entered into an agreement with the said Company for vesting said lands in the said Company, conditional upon obtaining legislation confirming same and have passed a by-law in respect thereto;

And whereas it is expedient to remove all doubts as to the legality of the said purchase, and also as to the powers of the said corporation to bargain, sell, lease, or otherwise deal with the said lands and to confirm all the said proceedings;

Therefore be it enacted by the Lieutenant-Governor, by and with the advice and consent of the Legislative Assembly of the Territories, as follows:—

1. That the purchase by the said municipal corporation of the lands hereinbefore mentioned be, and the same is hereby confirmed and declared to be legal and valid to all intents and purposes.
2. That all proceedings heretofore taken by the said municipal corporation as hereinbefore mentioned in respect to or connected with the said transfer of the said ten acres of land to the North-West Trading Company of Canada, Limited, be, and the same are hereby confirmed and declared to be legal and valid to all intents and purposes.
3. That the said corporation shall have all powers necessary to enable them hereafter to bargain, sell, lease, or otherwise deal with the remaining portion of the said land so purchased as aforesaid, or any part thereof, or to take any other action in respect thereto or dealing therewith, as the said corporation may hereafter in their judgment deem advisable.

## NO. 33 OF 1891-92.

AN ORDINANCE TO INCORPORATE THE SYNOD  
OF THE DIOCESE OF CALGARY AND THE  
PARISHES OF THE SAID DIOCESE.

[Assented to January 25th, 1892.]

Whereas the Church of England Synod of the Diocese of Calgary, being a Diocese of the ecclesiastical Province of Rupert's Land, has petitioned that the said Synod and each of the duly organized Parishes in the said Diocese, be incorporated; and it is expedient to grant the prayer of its petition:

Therefore, the Lieutenant-Governor, by and with the advice and consent of the Legislative Assembly of the Territories, enacts as follows:—

1. In this Ordinance the words, "The Synod of the Diocese of Calgary," shall mean the body consisting of the Bishop of the Diocese of Calgary, of the Clergy of the said Diocese licensed by the Bishop, of the Chancellor (if any), of the Registrar of the Diocese, and of representatives of the Laity duly elected;
2. The Synod of the Diocese of Calgary shall be, and the same is hereby made and constituted, a body politic and corporate, under the name of the Synod of the Diocese of Calgary, hereinafter called the corporation.
3. The said corporation shall consist of the Bishop of the said diocese and his successors to be from time to time appointed in such manner as is or shall be provided by the Provincial Synod of the said Ecclesiastical Province, and of such other persons as are or may become members of the corporation according to the constitution of the said Diocesan Synod as the same exists at the time of the passing of this Ordinance (which constitution is set forth in schedule "A" of this Ordinance) or as the said constitution may from time to time be altered by the said Provincial Synod, or by the Diocesan Synod, acting with the powers vested in it by the Provincial Synod aforesaid.

4. Such corporation shall have perpetual succession, and a common seal, with power to change, alter, break and renew the same when and so often as they shall think proper, and the said corporation may, under the same name, contract and be contracted with, sue and be sued, implead and be impleaded with, answer and defend in all courts and places whatsoever; and the said corporation shall be able and capable, in law, respectively, to purchase, take, hold, give, receive, enjoy, possess, and retain without license in mortmain all messuages, lands, tenements, and immovable property, money, goods, chattels, and movable property, which have been or hereafter shall be paid, given, granted, appropriated, devised or bequeathed to it or purchased by it in any manner or way whatsoever, to, for, or in favor of the eleemosynary, ecclesiastical, and educational uses and purposes within the limits of the said diocese, including thereby the uses and purposes of any parish mission, institution, college, school or hospital connected with or intended to be, or which may hereafter be connected with the Church of England in such Diocese.

5. The corporation shall, in addition to the powers conferred upon it by the next preceding Section of this Ordinance, and subject to the provisions thereof, have power to sell, convey, exchange, alienate, mortgage, lease or demise any lands, tenements and hereditaments held by the said corporation, whether simply by way of investment for the uses and purposes set forth in the next preceding Section of this Ordinance or not, and the corporation may also, from time to time invest all or any of its funds and moneys, and all or any funds and personal property which may be vested in, or acquired by the corporation for eleemosynary, ecclesiastical or educational purposes aforesaid, in and upon any mortgage security of lands, tenements and hereditaments, and in other securities in any part or parts of the Dominion of Canada, and for the purposes of such investment may take, receive, and accept a mortgage or mortgages, or any assignment or assignments thereof in its own corporate name, and shall have and enjoy the same and as large, full and ample powers and rights of sale and foreclosure, action and suit upon and for the purposes of enforcing the covenants, stipulations, conditions and agreements, and all matters and things contained in such mortgages or any of them, and in as ample a manner as if it were a private

person able and capable in law; and furthermore may sell grant, assign and transfer such mortgages or any of them to any person, company or body capable of receiving any assignment thereof, and may release, and discharge such mortgages or any of them, either wholly or partly.

6. The said corporation shall, in the case of land held by it, be able to set apart a portion of such land for the purpose of making a road, or to make a free grant of a portion not exceeding one acre in extent for the purpose of a school, hospital or other necessary public object.

7. The said corporation may exercise all its powers by and through the Executive Committee as established by the constitution aforesaid, or such other boards or committees as the said corporation may from time to time appoint by resolution for the management of all or any of the affairs or property of the said corporation, but in accordance only with the trusts relating to any property to which any special trust is attached; the said Synod may also appoint a treasurer or treasurers, and make such regulations for the management and administration of its property as it shall see fit. The corporation shall also have the right of appointing any officer or other needful agent or agents for the management of its affairs, and shall have all other rights necessarily incident to a body corporate.

8. The Church of England in all deeds, instruments and documents applying to that part of the Territories, included in the Church of England Diocese of Calgary, shall mean, unless a different construction is to be gathered from the said deed, instrument or document, the Church organized by the members of the Church of England in the Diocese of Calgary, for self-government, under the name of the Church of England in Rupert's Land.

9. Any transfer of real estate or any interest therein vested in the corporation shall be deemed to be duly executed for that purpose if the same has affixed thereto the seal of the corporation, verified by the signatures of the Bishop for the time being of the Diocese of Calgary or his commissary duly appointed, and the secretary of the aforesaid Executive Committee, and a discharge of a mortgage if executed in the same way, shall be deemed to be properly and effectually executed.

**10.** The Incumbent or Curate in charge and Church Wardens of any congregation in the Diocese duly organized according to the Constitution of the Synod of Calgary shall be a body politic and corporate, and they and their successors, under the name of the Church of England Parish (or Mission) of \_\_\_\_\_, shall have perpetual succession and a common seal, and by such name may from time to time and at all times hereafter purchase, acquire by gift, devise or bequest, if made at least six months before the death of the person making the same, hold, possess, and enjoy, and may have, take, and receive for them and their successors for ecclesiastical, educational, or eleemosynary uses, any lands, tenements, hereditary property, rents, annuities, and all other property whatever, movable or immovable, and the same may sell, exchange, alienate, mortgage, let, lease, and dispose of, and others in their stead purchase, acquire and hold for the uses and purposes aforesaid; provided that in the administration of the said property as regards selling, exchanging, alienating, mortgaging, or leasing real estate, or making investments in stock, funds, debentures or other property they shall first obtain the consent of the Synod of the Diocese of Calgary, either directly or through its Executive Committee.

**11.** All questions relating to the constitution, powers, meetings, and proceeding of Vestries, the qualification, term of office, powers and accounts of Church Wardens, and such other matters relating to the regulation and management of all or any of the Temporalities of the Church of England in the Diocese of Calgary, shall be settled from time to time by the Synod of the Diocese of Calgary, and the said Synod by by-law or cannon may, from time to time as it may see fit, repeal, change, alter, and amend any of its previous provisions.

**12.** Any transfer, mortgage, or lease of real estate, or any interest therein, or any transfer of stock, funds, debentures or other personal property of any Church of England Parish, incorporated under Section 10 of this Ordinance, shall be deemed to be duly executed for that purpose if the same has affixed thereto the common seal of the said Parish verified by the signature of the Incumbent or Curate in charge of such Parish so named therein, and of one of the Church Wardens of such Parish, and the consent of the

Synod or of its Executive Committee to such dealing by such Parish shall be signified by the signatures of the President and Secretary of the Executive Committee.

**13.** This Ordinance shall be deemed a public Ordinance.

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### SCHEDULE A.

#### DIOCESE OF CALGARY.

##### PREAMBLE TO CONSTITUTION.

IN THE NAME OF GOD. AMEN.

Whereas at a regular meeting of the Provincial Synod of the Church of England in Rupert's Land, held in Winnipeg, on 12th August, in the year of Our Lord 1887, the following Resolution was unanimously adopted in both Houses, viz.:

“That the civil Territory of Alberta be formed into a separate Diocese from the rest of the Diocese of Saskatchewan, to be called the Diocese of Calgary, subject to the consent of the Archbishop of Canterbury to the appointment of the present Bishop of Saskatchewan, on his choosing either the Diocese of Calgary, or the Diocese consisting of the remaining portion of the Diocese of Saskatchewan, which shall continue to be known as the Diocese of Saskatchewan, to be Bishop of the other Diocese until such time as in the opinion of the Provincial Synod an adequate endowment is provided, or other sufficient provision is made for the Bishopric of Calgary, when the Bishop shall resign either of the Dioceses as he sees fit.”

And whereas, the Bishop of Saskatchewan did, by instrument under his hand and seal bearing date February 21st, 1888, and addressed to the Most Reverend the Bishop of Rupert's Land, Metropolitan of Rupert's Land, give his formal consent to the division of the Diocese of Saskatchewan, and did express his willingness to be Bishop also of the See of Calgary until such time as in the opinion of the Provincial Synod adequate endowment is provided or other suffi-

cient provision is made for the said Bishopric of Calgary, and on the understanding that on the expression of such opinion by the Provincial Synod he would resign either the Diocese of Saskatchewan or the Diocese of Calgary as at the time he should see fit;

And whereas, His Grace the Archbishop of Canterbury gave his consent to the formation of the said See in the following terms :

" Edward White, by Divine Providence, Archbishop of Canterbury, Primate of all England, and Metropolitan to our well beloved brother in Christ, the Right Reverend Cyprian, Bishop of Saskatchewan, in the Ecclesiastical Province of Rupert's Land, Greeting :

" Whereas by the Constitution of the Church of England in Rupert's Land it was (amongst other things) provided that the four Dioceses of the Church of England in the Province of Manitoba and the North-West Territories of Canada, known as the Dioceses of Rupert's Land, Moosonee, Saskatchewan and Athabasca, the limits of which were defined in the Canon of the Synod of Rupert's Land, in one thousand eight hundred and seventy-three, should form an Ecclesiastical Province, to be called the Province of Rupert's Land, and it was also provided that the Provincial Synod might subdivide any of the then existing Dioceses, when it should appear necessary, provided that the Bishop of the Diocese consented, and that the Bishop should choose which portion of the divided Diocese he should retain, and the appointment of a Bishop of the other portion should rest with the Archbishop of Canterbury unless there should be within the limits of the said portion at least twelve clergymen who should be supported either by endowment or by their congregations, in which case a Synod should be called together, and the said Synod should elect a Bishop in such manner as the constitution of the undivided Diocese might direct; And whereas, by a resolution passed at the fourth Provincial Synod of the said Province of Rupert's Land, held at Winnipeg on the tenth, eleventh and twelfth days of August, one thousand eight hundred and eighty-seven, it was resolved that the civil territory of Alberta should be formed into a separate Diocese from the rest of the Diocese of Saskatchewan, to be called the Diocese of Calgary, subject

to the consent of the Archbishop of Canterbury to the appointment of the then present Bishop of Saskatchewan, on his choosing either the Diocese of Calgary, or the Diocese consisting of the remaining portion of the Diocese of Saskatchewan, (which shall continue to be known as the Diocese of Saskatchewan) to be Bishop of the other Diocese, until such time as in the opinion of the Provincial Synod an adequate endowment should be provided for the Bishopric of Calgary, when the Bishop should resign either of the Dioceses as he should see fit. And whereas you have signified to us that you consent to such division of the Diocese of Saskatchewan ; that you choose that portion of your present Diocese of Saskatchewan, which after the division shall continue to be known as the Diocese of Saskatchewan ; and that you are willing to be Bishop also of the See of Calgary, until such time as, in the opinion of the Provincial Synod, adequate endowment is provided or other sufficient provision is made for the said Bishopric of Calgary, and on the understanding that on the expression of such opinion by the Provincial Synod you shall resign either the Diocese of Saskatchewan or the Diocese of Calgary as at the time you shall see fit. And whereas it has been certified to us that there are not within the limits of the said portion, to be called the Diocese of Calgary, twelve clergymen who are supported either by endowment or by their congregations; And whereas it appears to us that the arrangement which was proposed in the said Resolution of the said Synod should be carried out.

Now therefore we the said Archbishop of Canterbury do hereby appoint you the said Cyprian, Bishop of Saskatchewan to be Bishop of the said Diocese of Calgary, and we do invest you with all the power and authority ordinary and episcopal within the limits of the same.

In Witness whereof we have hereunto set our hand and caused our Archiepiscopal Seal to be hereunto affixed.

Given at our Palace of Lambeth this twenty-seventh day of March, in the year of our Lord, one thousand eight hundred and eighty-eight, and of our translation the sixth.

Signed,

Edw. Cantuar."

And whereas the Constitution of the Church of England in Rupert's Land provides for each Diocese having a Diocesan Synod ; and whereas we the Bishop, Clergy and

Representatives of the Laity of the said Diocese of Calgary now assembled, do constitute the Synod of the said Diocese, according to the provisions of the said Constitution, we adopt the following as the Constitution of this Diocesan Synod :

#### CONSTITUTION.

1. The Synod shall consist of the Bishop of the Diocese, as President ; of the Clergy of the same licensed to the Cure of Souls or holding office in any college or school under the jurisdiction of the Bishop and not under Ecclesiastical censure ; of the Registrar of the Diocese, *ex-officio* ; and of representatives of the Laity as hereinafter provided.
2. Every congregation in the Diocese recognized by the Bishop, duly organized by the election of Church Wardens and Vestrymen, and having at least six registered communicants, shall be entitled to send one layman, as its representative, to the Synod ; it may send two if the number of registered communicants exceeds forty and three if the number exceeds one hundred. Representatives of the Laity shall be called Lay Delegates.
3. Lay Delegates must be males, of the full age of twenty-one years, having been communicants for the twelve months preceding the election.
4. The voters for lay delegates shall consist of male communicants, members of the congregation of at least three months' standing. No person shall vote for the lay delegate or lay delegates of more than one congregation.
5. The election of lay delegates shall take place during Easter week, or if necessary afterwards, at a public meeting of the communicants specially called during divine service on the Sunday preceding the election. The Incumbent or his assistant shall preside at the meeting ; if both are absent the meeting shall elect a chairman. The votes of a majority of those present shall determine the choice ; notice of the election with the names and addresses of the persons elected shall be transmitted to the secretary of the Synod ; and every lay delegate so elected shall receive from the chairman of the meeting a certificate of the election in the following form :

## Diocese of Calgary.

Parish or Mission of.....  
Congregation of..... Church. Number  
of registered communicants.....

I hereby certify that at a meeting of the communicants of  
this congregation held this..... day of.....  
.....18.....A.B..... was duly elected a  
lay delegate to the Synod for the current year.

(Signed)..... Chairman.

6. In case of the death, resignation, or incapacity of a Lay-Delegate, or his removal from the Diocese, the Incumbent shall within one month after such vacancy proceed to a new election, at a meeting of which notice shall have been given the previous Sunday during Divine Service.

7. The Synod shall meet annually, unless otherwise ordered by the Bishop, and the time and place of meeting shall be fixed by the Bishop, who shall also adjourn the Synod as he shall see fit.

8. A Quorum of the Synod shall consist of at least one fourth of the Clergy of the Diocese and one fourth of the Lay-Delegates.

9. At the opening of the Synod one Clergyman and one Layman shall be appointed to examine the certificates of the Lay-Delegates and report on them.

10. No resolution of the Synod shall pass into a law without the concurrence of the Bishop and a majority of the Clergy and Lay-Delegates present; the vote of the Clergy and Lay-Delegates shall be taken collectively unless a vote by Orders is demanded by not less than two members of the Synod, before the question is put from the Chair, when a majority of each Order shall be necessary to affirm the resolution.

11. The Synod shall at each regular meeting appoint a Standing Committee, to be called the Executive Committee, to consist of the Bishop or his Commissary as president, the

Archdeacons whenever such dignitaries are appointed, as vice-presidents, the secretary and treasurer of the Synod *ex-officio*, and three Clergymen and three Lay-Delegates, and one additional Lay Delegate for each Archdeacon appointed, elected at every regular meeting who shall remain in office until their successors are appointed, even though the Lay members of the Committee be not re-elected Lay Delegates. Four members shall constitute a Quorum. The Executive Committee shall take the management of the various Diocesan funds under the direction of the Synod, carry out the decisions of that body, prepare business for the Synod and report its proceedings thereto.

12. No alteration shall be made in this Constitution unless the proposition has been first sent to the Executive Committee for consideration, approved at the meeting of the Synod by the Bishop and a majority of two thirds of each Order present voting separately, and afterwards confirmed by the Bishop, and a like majority of each Order at the meeting of the Synod the following year. Provided a change may at once pass into law if unanimously agreed to by the whole House.

13. The term "Communicant" in this Constitution shall mean any Parishioner who has communicated at the least three times in the year preceding the election, where he or she has had opportunity of so doing; and the term "registered communicant" shall mean a Communicant whose name is put upon the list of the Communicants of a Parish or Mission, by the Incumbent or Curate-in-charge, whose duty it shall be to revise the said list every year before an election, and to submit such list to the meeting of Communicants assembled to elect.

NO. 34 OF 1891-92.

AN ORDINANCE TO INCORPORATE THE RANCH-MEN'S CLUB OF THE TOWN OF CALGARY.

[*Assented to January 25th, 1892.*]

Whereas the persons hereinafter named, with a number of others in the Provisional District of Alberta, in the North-West Territories, have associated themselves for the establishment of a club for social purposes; and whereas certain of the said hereinafter named persons have prayed to be incorporated by the name of "The Ranchmen's Club," of the town of Calgary, in the said District of Alberta, and it is expedient to grant their prayer:—

Therefore, the Lieutenant-Governor, by and with the advice and consent of the Legislative Assembly of the Territories, enacts as follows:—

1. Alfred Ernest Cross, Duncan Haldane Macpherson, Frederick S. Stimson, Esquires, and such other persons as now are, or hereafter shall become, members of the said Association shall be and are hereby declared to be a body politic and corporate, in deed and in name, by the name of "The Ranchmen's Club," and by that name shall have perpetual succession and a common seal, and shall have power, from time to time, and at all times hereafter, to be able and capable to purchase, acquire, hold, possess and enjoy, and to have, take and receive to them and their successors, to and for the actual use and occupation of the said Corporation, any lands, tenements, hereditaments, and real and immovable property and estate, situate, lying and being within the said town of Calgary, and the same to sell, alienate, exchange, and otherwise dispose of, whensoever the said Corporation may deem it proper so to do; and by the same name shall and may be able and capable to sue and be sued, implead and be impleaded, answer and be answered unto in any manner whatsoever.

2. The constitution, rules and regulations now in force, touching the admission and expulsion of members, and the management and conduct generally of the affairs and con-

cerns of the said Association, in so far as they may not be inconsistent with the laws in force in the North-West Territories, shall be the constitution, rules and regulations of the said Corporation: Provided always, that the said Corporation may, from time to time, alter, repeal and change such constitution, rules and regulations in the manner provided by the constitution, rules and regulations of the said Corporation.

**3.** All property and effects now owned by, or held in trust for, the said Association, are hereby vested in the said Corporation, and shall be applied solely for the use and maintenance of the said Corporation.

**4.** The said Corporation may, from time to time, borrow money, not to exceed in the whole the sum of twenty-five thousand dollars (\$25,000.00), at such rate of interest and upon such terms as they may think proper; and may for such purpose make, execute or issue any mortgages, bonds, debentures or other instruments, under the seal of the said Corporation; which bonds or debentures shall operate, subject to any mortgage given in part payment of the purchase money for real property bought for a site for the club buildings, as mortgages and charges against the lands and effects of the said Corporation without registration; and each holder of any of the said debentures or bonds issued under this Section shall be deemed to be a mortgagee and incumbrancer *pro rata* with the other holders thereof upon any interest in any real estate held by the said Corporation, and also upon any such interest in a policy or policies of insurance against loss or damage by fire effected upon the buildings owned by the Corporation.

**5.** Any such mortgage, bond, debenture or other instrument shall be signed by the President of the said Corporation and countersigned by the Secretary.

**6.** The interest of the debentures to be issued under Section 4 of this Ordinance shall be a first charge upon the entrance fees from new members entering The Ranchmen's Club; and it shall be the duty of the committee in each year, out of the said entrance fees, in so far as the same shall extend, to pay the whole interest falling due in each year.

**7.** The moneys authorized to be raised by debentures under the provisions of Section 4 of this Ordinance shall be applied exclusively in the purchase of a site for the club buildings, and in the purchase, improvement or erection of a club house and dependencies thereon, together with necessary furniture, or for the purchase of any freehold interest therein, and in the payment of any mortgage or charge thereon, and for the redemption of the said debentures and any re-issues as they become due respectively from time to time and at all times.

**8.** No member of the Corporation shall be in any way liable for or chargeable with the payment of any debt or demand due by the said Corporation beyond the extent of the entrance fee and annual subscriptions remaining unpaid by the said member, and for any unpaid accounts he may have incurred to the Corporation for articles ordered by him in said club. And any member of the said club, not so indebted to the said Corporation, may retire therefrom, and will cease to be a member on giving notice to that effect in such form as may be required by the constitution, rules and regulations of the said club, and thenceforth shall be free from liability for any debt or engagement of the club.

**9.** The said Corporation shall have power to draw, make, accept and endorse all bills of exchange and promissory notes necessary for the purposes of the said Corporation, under the hands of their President and Secretary, after authority from the committee of the said Corporation so to do; and in no case shall it be necessary that the seal of the Corporation be affixed to any such bill or note, nor shall the President or Secretary be individually responsible therefor; provided that nothing herein contained shall be construed to authorize the Club to issue notes or bills of exchange payable to bearer, or intended to be circulated as money, or as notes, or bills of a bank.

**10.** Notwithstanding anything hereinbefore contained, the said Corporation shall have power to rent any portions of the real estate held by the said Corporation, upon such terms and for such period as may be agreed upon.

**11.** This Ordinance may be cited as "The Ranchmen's Club Ordinance."

NO. 35 OF 1891-92.

AN ORDINANCE TO GIVE EDWARD ARTHUR CRAVEN McLORG A CERTAIN STATUS AS A STUDENT-AT-LAW.

[Assented to January 25th, 1892.]

Whereas, Edward Arthur Craven McLorg, formerly of the city of Bath, England, but now of Moosomin in the North-West Territories, Student-at-law, has by his petition set forth that he on the thirty-first day of December A.D. 1880, was articled to John Stone, of the City of Bath, England, one of the Solicitors of the Supreme Court of Judicature in England, having prior thereto and in the month of October A.D. 1880, passed the preliminary examination prescribed by and the other requirements of the Incorporated Law Society of the United Kingdom, and served the said John Stone until the twenty-seventh day of April, 1883, being a period of three years and seven months ;

And whereas the said Edward Arthur Craven McLorg by his petition further sets forth that he was on the seventh day of February, 1891, duly articled to William White, of the Town of Moosomin, in the said North-West Territories, from which date he has continuously served as such articled clerk ;

And whereas for the reasons aforementioned the said Edward Arthur Craven McLorg has prayed that an Ordinance may be passed to declare that he, the said Edward Arthur Craven McLorg, shall have the same status as a Student-at-law under the Ordinance respecting the Legal Profession and amendments thereto for the purpose of enrolment as an Advocate under the said Ordinance and amendments as if he had duly been articled to a practising Advocate of the North-West Territories ;

And whereas as it is expedient to grant the prayer of the said petition ;

Therefore be it enacted by the Lieutenant-Governor, by and with the advice and consent of the Legislative Assembly of the Territories, as follows :—

1. The said Edward Arthur Craven McLorg shall have the same status as a Student-at-law under the Ordinance respecting the Legal Profession and amendments thereto for the purposes of enrolment as an Advocate under the said Ordinance and amendments as if he had been duly articled to a practising Advocate of the North-West Territories and had duly served thereunder for the period of three years and four months.

## NO. 36 OF 1891-92.

AN ORDINANCE TO ENABLE WILLIAM LAURIE  
TO BE ENROLLED AS AN ADVOCATE OF THE  
TERRITORIES.

[Assented to January 25th, 1892.]

Whereas William Laurie has presented his petition praying that he be enrolled as an Advocate of the Territories upon passing the prescribed examination and paying the necessary fees ;

And whereas it is deemed expedient to grant the prayer of the said petition ;

Therefore be it enacted by the Lieutenant-Governor, by and with the advice and consent of the Legislative Assembly of the Territories, as follows :

1. The said William Laurie shall, upon passing the prescribed examination and paying the necessary fees, be enrolled as an Advocate of the Territories.

NO. 37 OF 1891-92.

AN ORDINANCE TO INCORPORATE THE ASSINIBOIA CLUB.

[*Assented to January 25th, 1892.*

Whereas the members of the Assiniboia Club, an Association now established at the town of Regina for social purposes, have prayed that they may become incorporated by said name, for the purpose of acquiring and holding real estate for the use of said Association and for other objects and purposes, and it is expedient to grant their prayer;

Therefore the Lieutenant-Governor, by and with the advice and consent of the Legislative Assembly of the Territories, enacts as follows:

1. The members of said Association and such other persons as shall hereafter become members thereof, shall be and are hereby declared to be a body politic and corporate, in deed and in name, by the name of "The Assiniboia Club," and by that name shall have perpetual succession and a common seal, and shall have power, from time to time, and at all times hereafter, to be able and capable to purchase, acquire, hold, possess and enjoy, and to have, take and receive to them and their successors, to and for the actual use and occupation of the said Corporation, any lands, tenements, hereditaments, and real and immovable property and estate, situate, lying and being within the said town of Regina, and the same to sell, alienate, exchange, and otherwise dispose of, whensoever the said Corporation may deem it proper so to do; and by the same name shall and may be able and capable to sue and be sued, implead and be impleaded, answer and be answered unto in any manner whatsoever.

2. The constitution, rules and regulations now in force, touching the admission and expulsion of members, and the management and conduct generally of the affairs and con-

cerns of the said Association, in so far as they may not be inconsistent with the laws in force in the North-West Territories, shall be the constitution, rules and regulations of the said Corporation : Provided always, that the said Corporation may, from time to time, alter, repeal and change such constitution, rules and regulations in the manner provided by the constitution, rules and regulations of the said Corporation.

**3.** All property and effects now owned by, or held in trust for, the said Association, are hereby vested in the said Corporation, and shall be applied solely for the use and maintenance of the said Corporation.

**4.** The said Corporation may, from time to time, borrow money, not to exceed in the whole the sum of twenty-five thousand dollars (\$25,000.00), at such rate of interest and upon such terms as they may think proper ; and may for such purpose make, execute or issue any mortgages, bonds, debentures or other instruments, under the seal of the said Corporation ; which bonds or debentures shall operate, subject to any mortgage given in part payment of the purchase money for real property bought for a site for the club buildings, as mortgages and charges against the lands and effects of the said Corporation without registration ; and each holder of any of the said debentures or bonds issued under this Section shall be deemed to be a mortgagee and incumbrancer *pro rata* with the other holders thereof upon any interest in any real estate held by the said Corporation, and also upon any such interest in a policy or policies of insurance against loss or damage by fire effected upon the buildings owned by the Corporation.

**5.** Any such mortgage, bond, debenture or other instrument shall be signed by the President of the said Corporation and countersigned by the Secretary.

**6.** The interest of the debentures to be issued under Section 4 of this Ordinance shall be a first charge upon the entrance fees from new members entering said Association ; and it shall be the duty of the committee in each year, out of the said entrance fees, in so far as the same shall extend, to pay the whole interest falling due in each year

7. The moneys authorized to be raised by debentures under the provisions of Section 4 of this Ordinance shall be applied exclusively in the purchase of a site for the club buildings, and in the purchase, improvement or erection of a club house and dependencies thereon, together with necessary furniture, or for the purchase of any freehold interest therein, and in the payment of any mortgage or charge thereon, and for the redemption of the said debentures and any re-issues as they become due respectively from time to time and at all times.

8. No member of the Corporation shall be in any way liable for or chargeable with the payment of any debt or demand due by the said Corporation beyond the extent of the entrance fee and annual subscriptions remaining unpaid by the said member, and for any unpaid accounts he may have incurred to the Corporation for articles ordered by him in said club. And any member of the said club, not so indebted to the said Corporation, may retire therefrom, and will cease to be a member on giving notice to that effect in such form as may be required by the constitution, rules and regulations of the said club, and thenceforth shall be free from liability for any debt or engagement of the club.

9. The said Corporation shall have power to draw, make, accept and endorse all bills of exchange and promissory notes necessary for the purposes of the said Corporation, under the hands of their President and Secretary, after authority from the committee of the said Corporation so to do; and in no case shall it be necessary that the seal of the Corporation be affixed to any such bill or note, nor shall the President or Secretary be individually responsible therefor; provided that nothing herein contained shall be construed to authorize the Club to issue notes or bills of exchange payable to bearer, or intended to be circulated as money, or as notes, or bills of a bank.

10. Notwithstanding anything hereinbefore contained, the said Corporation shall have power to rent any portions of the real estate held by the said Corporation, upon such terms and for such period as may be agreed upon.

## NO. 38 OF 1891-92.

AN ORDINANCE FOR GRANTING TO THE LIEUTENANT-GOVERNOR CERTAIN SUMS OF MONEY TO DEFRAY THE EXPENSES OF THE PUBLIC SERVICE OF THE TERRITORIES FOR THE HALF YEAR ENDING 30TH JUNE, ONE THOUSAND EIGHT HUNDRED AND NINETY-TWO, AND FOR OTHER PURPOSES RELATING THERETO.

[Assented to January 25th, 1892.]

MAY IT PLEASE YOUR HONOUR :

Whereas it appears by message from His Honour Joseph Royal, the Lieutenant-Governor of the North-West Territories, and the estimates accompanying the same, that the sums hereinafter mentioned in the Schedule to this Ordinance are required to defray certain expenses of the public service of the Territories, and for other purposes relating thereto, for the half year ending 30th June, one thousand eight hundred and ninety-two; May it therefore please Your Honour that it may be enacted, and it is therefore enacted by the Lieutenant-Governor, by and with the advice and consent of the Legislative Assembly of the Territories, as follows :—

(1) From and out of the fund at the disposal of the North-West Government, there shall and may be paid and applied a sum (not exceeding in the whole) eighty-seven thousand one hundred and ten dollars and forty-six cents, for defraying the several charges and expenses of the public service of the Territories for the half year ending 30th June, one thousand eight hundred and ninety-two, as set forth in the Schedule to this Ordinance;

(2) The due application of all moneys expended under this Ordinance shall be duly accounted for.

SCHEDULE.

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Sums granted to the Lieutenant-Governor, by this Ordinance, for the half year ending 30th June, one thousand eight

hundred and ninety-two, and the purposes for which they are granted.

To defray the expenses of the Government of the North-West Territories for the six months ending the 30th June 1892, as follows:—

Accountant's Salary.....	\$ 390 00
Veterinary Surgeons.....	480 00
Sheriff attending Court in Banc.....	50 00
Printer to North-West Government.....	120 00
Legal Services.....	500 00
Auditor's Salary.....	100 00
Vital Statistics.....	150 00
Medicine Hat General Hospital.....	500 00
Calgary General Hospital.....	300 00
St. Albert General Hospital.....	100 00
Balance of local money due Electoral Districts for year 1890-91.....	324 16
Claim of B. B. Lariviere, J.P.....	55 00
Schools.....	47803 78
Roads and bridges and district vote.....	24382 97
Executive Committee.....	1721 60
Travelling Expenses.....	728 43
Subscriptions to newspapers.....	386 05
Well boring machines.....	2825 66
Printing, advertising, etc.....	4170 25
Publishing Magistrates' Returns.....	1425 44
Books for Library.....	97 12
Unforseen expenditures.....	500 00
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	\$87110 46

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